

# **EXHIBIT 11**

March 02, 2023

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

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AUBRY MCMAHON,

Plaintiff, Case No.: 2:21-cv-00920

-against-

WORLD VISION, INC.,

Defendant.

-----X

VIDEO CONFERENCE  
DEPOSITION

March 2, 2023  
1:00 p.m.

EXAMINATION BEFORE TRIAL of

CATHERINE MIOLLA, a nonparty witness on behalf  
of the Defendant herein, taken by the attorney(s)  
for the Plaintiff, pursuant to Notice, held at  
the above-mentioned time and place, before  
THERESA RATIGAN, a shorthand reporter and Notary  
Public within and for the State of New York.

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<p style="text-align: right;">Page 2</p> <p>1 2 A P P E A R A N C E S: 3 4 NISAR LAW GROUP, PC Attorneys for Plaintiff 5 60 East 42nd Street, Suite 4600 New York, New York 10165 6 7 BY: CASEY WOLNOWSKI, ESQ. cwolnowski@nisarlaw.com 8 9 GAMMON &amp; GRANGE, PC Attorneys for Defendant 10 1945 Old Gallows Road Tysons, Virginia 22182 11 12 BY: SCOTT J. WARD, ESQ. sjw@gg-law.com J. MATTHEW SZYMANSKI, ESQ. 13 jms@gg-law.com 14 15 16 A L S O P R E S E N T: 17 STEVE McFARLAND, Chief Legal Officer for World Vision Incorporated 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 3</p> <p>1 S T I P U L A T I O N S 2 IT IS HEREBY STIPULATED AND AGREED 3 by and between the parties hereto, through their 4 respective counsel, that the certification, sealing, 5 and filing of the within examination will be, and the 6 same are hereby waived; 7 8 IT IS FURTHER STIPULATED AND AGREED that 9 all objections, except as to the form of the 10 question, will be reserved to the time of the trial; 11 12 IT IS FURTHER STIPULATED AND AGREED that 13 the within examination may be signed before any 14 Notary Public with the same force and effect as if 15 signed and sworn to before this Court. 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 4</p> <p>1 C. Miolla 2 (Time noted: 1:03 p.m.) 3 THE REPORTER: Good afternoon. My name 4 is Theresa Ratigan. I'm with U.S. Legal 5 Support, and I am the court reporter this 6 afternoon. 7 The attorneys participating in this 8 deposition acknowledge that I am not 9 physically present in the deposition room and 10 that I will be reporting this deposition 11 remotely. 12 They further acknowledge that, in lieu of 13 an oath administered in person, I will 14 administer the oath remotely under penalty of 15 perjury. 16 The parties and their counsel consent to 17 this arrangement and waive any objections to 18 this manner of reporting. 19 Please indicate your agreement by stating 20 your name and your agreement on the record; 21 counsels only, please. 22 MR. WOLNOWSKI: Casey Wolnowski; I agree. 23 MR. WARD: Scott Ward; I agree. 24 MR. SZYMANSKI: Matthew Szymanski; I 25 agree.</p>	<p style="text-align: right;">Page 5</p> <p>1 C. Miolla 2 (Identification of witness verified) 3 C A T H E R I N E M I O L L A, a nonparty witness 4 herein, after having first been duly sworn by a 5 Notary Public of the State of New York, upon being 6 examined, testified as follows: 7 BY THE REPORTER: 8 Q Please state your name for the record. 9 A Catherine Miolla. 10 Q And your address for the record, please? 11 A 4123 East Carla Vista Drive, and that's 12 in Gilbert, Arizona 85295. 13 EXAMINATION BY MR. WOLNOWSKI: 14 Q Good afternoon, Ms. Miolla. Let me go 15 over some of the general ground rules. My name is 16 Casey Wolnowski. I represent the plaintiff, Aubry 17 McMahon, with respect to her lawsuit against World 18 Vision Incorporated. 19 You are not personally a defendant in 20 this lawsuit; do you understand? 21 A Yes. 22 Q I'm going to ask you a series of 23 questions concerning the circumstances surrounding 24 Ms. McMahon seeking employment with World Vision. My 25 goal today is not to confuse you.</p>

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<p style="text-align: right;">Page 6</p> <p>C. Miolla</p> <p>If you do not understand a question that I ask you, please tell me that you don't understand or ask me to rephrase the question, and I will do my best to do that. In other words, unless you tell me, I'll assume that by you answering the question, you had no problem understanding the question; is that okay?</p> <p>A Yes.</p> <p>Q If you want to take a break, we can do that; however, all that I ask is that if there is a pending question, please answer it before we take a break.</p> <p>Do you understand?</p> <p>A Yes.</p> <p>Q Please verbalize your answers. Shaking of the head or answers such as "uh-huh" may not necessarily be clear for the court reporter who is typing down your answers today.</p> <p>Also, please wait until I finish my question before you answer. Not only will that make for the creation of a cleaner record, it will also make the court reporter's life easier today.</p> <p>Do you understand?</p> <p>A Yes.</p>	<p style="text-align: right;">Page 7</p> <p>C. Miolla</p> <p>Q Given that we are conducting this deposition via video, there are few questions I would like to ask.</p> <p>Is there anyone else in the room where you're currently sitting?</p> <p>A No.</p> <p>Q If anyone enters the room where you are sitting during the deposition, I kindly ask that you please identify that person for me.</p> <p>Do you have any documents in front of you or anything viewable on your computer screen aside from this video platform?</p> <p>A No.</p> <p>Q If at any point that changes, please inform me of what documents you have in front of you or what is on your screen.</p> <p>I also kindly ask you not to communicate with your attorney or any other individual when testifying on the record; this includes communication via text, e-mail, instant messaging, GChat, WhatsApp, or any other electronic chat function.</p> <p>You were previously sworn in by the court reporter.</p> <p>Thus, are you aware that you are under</p>
<p style="text-align: right;">Page 8</p> <p>C. Miolla</p> <p>oath?</p> <p>A Yes.</p> <p>Q Do you understand that the oath you just took is the same oath you would take if this were a trial before a judge?</p> <p>A Yes.</p> <p>Q Do you understand that the oath you just took mandates that you tell the truth, the whole truth, and nothing but the truth?</p> <p>A Yes.</p> <p>Q The questions I'm about to ask you are routine that I ask every person before I depose them.</p> <p>Are you under the influence of drugs or alcohol today?</p> <p>A No.</p> <p>Q Are you under the influence of any medication which may impair your ability to understand my questions or to tell the truth?</p> <p>A No.</p> <p>Q Can you think of any reason why you cannot provide truthful testimony here today?</p> <p>A No.</p> <p>Q Has anybody told you not to give truthful testimony here today?</p>	<p style="text-align: right;">Page 9</p> <p>C. Miolla</p> <p>A No.</p> <p>Q Did you review any documents in preparation for today's deposition?</p> <p>A No.</p> <p>Q Did you listen to any audio recordings in preparation for today's deposition?</p> <p>A No.</p> <p>Q Did you speak with anyone aside from your attorney in preparation for today's deposition?</p> <p>A No.</p> <p>Q I may use the acronym LGBTQ at points throughout this deposition. I will advise that for the purposes of this deposition, LGBTQ stands for lesbian, gay, bisexual, transgender, queer or questioning.</p> <p>Do you understand?</p> <p>A Yes.</p> <p>MR. WARD: I'm just going to register for the record an objection to the definition as one that has ambiguity within it. That's sufficient.</p> <p>Thank you.</p> <p>Q Ms. Miolla, have you ever been deposed before?</p>

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1	C. Miolla		1	C. Miolla	
2	A	No.	2	Q	And for how long did that role last?
3	Q	For whom are you currently employed?	3	A	About one year.
4	A	World Vision.	4	Q	What was the next job you held after that
5	Q	Ms. Miolla, do you have a bachelor's	5		with World Vision?
6	degree?		6	A	After that, I was on our team that worked
7	A	Yes.	7		on the human resources help desk.
8	Q	From where?	8	Q	For how long did you have that job?
9	A	Pacific Lutheran University.	9	A	I think about a year as well.
10	Q	When did you receive it?	10	Q	What job did you have after the job with
11	A	I received it in 2015.	11		respect to being on the team that worked on the HR
12	Q	Is that the year you graduated from	12		help desk?
13	college?		13	A	After that, I was on our benefits team.
14	A	Yes.	14	Q	And how long did you hold that position?
15	Q	Do you have any advanced degrees beyond a	15	A	I think about two years.
16	bachelor's degree?		16	Q	What was the next job you held with World
17	A	No.	17		Vision after that?
18	Q	When did you first start working for	18	A	My next job was on our recruiting team.
19	World Vision?		19	Q	And approximately how long did you have
20	A	I start interning with World Vision in	20		the job on the recruiting team?
21	April of 2015.		21	A	I've been on our recruiting team, I
22	Q	What was the next position you had with	22		think, for about four years.
23	World Vision after intern?		23	Q	What positions or position did you hold
24	A	My next position was a limited-term role	24		with World Vision in January of 2021?
25	within the same team in HR.		25	A	I think it was just a recruiter on our
Page 12			Page 13		
1	C. Miolla		1	C. Miolla	
2	recruiting team or talent acquisitions specialist.		2	A	No.
3	Q	Do you recall if you held the position of	3	Q	If you could, please walk me through a
4	talent acquisition partner of human resources?		4		typical week of work for you as a talent acquisition
5	A	That sounds right.	5		partner, human resources for World Vision
6	Q	Do you recall whether or not that was	6		Incorporated around January of 2021.
7	your title as it appeared in signature blocks on		7	A	A typical week would include time
8	e-mails?		8		reviewing candidate applications, reaching out to
9	A	I believe that's correct.	9		candidates, conducting phone interviews, and talking
10	Q	If you could, Ms. Miolla, please explain	10		with our hiring managers and scheduling interviews
11	to me what were the primary duties and		11		for them, as well as administrative tasks.
12	responsibilities of a person holding the title of		12	Q	Approximately how many hours a week did
13	talent acquisition partner, human resources in		13		you work in January of 2021?
14	January of 2021.		14	A	Around 40.
15	A	Those responsibilities would be reviewing	15	Q	Did your job title change at all at any
16	candidate applications, conducting interviews, and		16		point after January of 2021?
17	working with our hiring managers.		17	A	At one point I churned (sic) -- changed
18	Q	What you just described, were these the	18		to a senior talent acquisition specialist.
19	duties and responsibilities that you personally		19	Q	Do you recall around when that occurred?
20	maintained while working for World Vision		20	A	I believe it was around March of last
21	Incorporated in January of 2021?		21		year; so March 2022.
22	A	Yes.	22	Q	Is that the position that you currently
23	Q	From your knowledge, experience, and	23		hold?
24	observations, have those duties and responsibilities		24	A	Yes.
25	changed at all between January of 2021 and today?		25	Q	In January of 2021, where was the office

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<p style="text-align: right;">Page 14</p> <p>1 C. Miolla</p> <p>2 physically located from which you primarily worked?</p> <p>3 A Seattle, Washington -- or Federal Way,</p> <p>4 Washington.</p> <p>5 Q In January of 2021, from your</p> <p>6 recollection, how frequently did you go into the</p> <p>7 office to work itself?</p> <p>8 A At that point, almost never.</p> <p>9 Q Do you work out of an office as of today,</p> <p>10 March 2nd, 2023?</p> <p>11 A No.</p> <p>12 Q And from where do you physically work as</p> <p>13 of today, March 2nd, 2023?</p> <p>14 A I work from home in Gilbert, Arizona.</p> <p>15 Q Approximately how many days a year do you</p> <p>16 actually work in any office or anywhere outside of</p> <p>17 Arizona?</p> <p>18 A As of now?</p> <p>19 Q Correct.</p> <p>20 A Less than five days a year.</p> <p>21 Q In the month of January of 2021, that's</p> <p>22 the -- the entire month, how frequently did you work</p> <p>23 physically in a World Vision office as opposed to</p> <p>24 working remotely?</p> <p>25 A I didn't go into the office at that time.</p>	<p style="text-align: right;">Page 15</p> <p>1 C. Miolla</p> <p>2 Q Most people didn't.</p> <p>3 Ms. Miolla, I'd like to shift gears</p> <p>4 somewhat, and I'd like to ask you some questions</p> <p>5 about a person named Aubry McMahon, who also</p> <p>6 occasionally goes by the name of Aubry Atwood.</p> <p>7 Going forward, if I refer to Aubry</p> <p>8 McMahon, I'm also referring to Aubry Atwood; do you</p> <p>9 understand?</p> <p>10 A Yes.</p> <p>11 Q They are indeed the same person; do you</p> <p>12 understand that?</p> <p>13 A Yes.</p> <p>14 Q At some point, did you come to learn that</p> <p>15 a person named Aubry McMahon or Aubry Atwood had</p> <p>16 applied for employment with World Vision</p> <p>17 Incorporated?</p> <p>18 A Yes.</p> <p>19 Q Do you know how she applied for work; was</p> <p>20 it through Indeed, was it directly through a World</p> <p>21 Vision Web site, was it through a recruiter,</p> <p>22 something else?</p> <p>23 A I don't remember the source.</p> <p>24 Q Okay. How did you first learn about</p> <p>25 Aubry McMahon applying for employment with World</p>
<p style="text-align: right;">Page 16</p> <p>1 C. Miolla</p> <p>2 Vision Incorporated?</p> <p>3 A I first saw her application in our</p> <p>4 applicant tracking system.</p> <p>5 Q Ms. Miolla, as for this applicant</p> <p>6 tracking system, if you can recall in January of</p> <p>7 2021, was this something that you checked daily,</p> <p>8 weekly, hourly, something else?</p> <p>9 A Probably daily.</p> <p>10 Q What was your role specifically with</p> <p>11 respect to Aubry McMahon and the application process</p> <p>12 for potential employment with World Vision</p> <p>13 Incorporated?</p> <p>14 A Can you ask that again?</p> <p>15 Q Sure.</p> <p>16 What was your role specifically with</p> <p>17 respect to Aubry McMahon and the application process</p> <p>18 for potential employment with World Vision</p> <p>19 Incorporated?</p> <p>20 A I was the assigned recruiter to the role</p> <p>21 that she had applied for.</p> <p>22 Q And if you can explain to me, what does</p> <p>23 an assigned recruiter -- question withdrawn.</p> <p>24 If you can explain to me, in January of</p> <p>25 2021, what was your job as an assigned recruiter as</p>	<p style="text-align: right;">Page 17</p> <p>1 C. Miolla</p> <p>2 it related to Aubry McMahon's application?</p> <p>3 A My role -- role was to review the</p> <p>4 application, and then move for -- forward to other</p> <p>5 steps like the online assessment, phone screen, and</p> <p>6 video interview with the hiring managers.</p> <p>7 Q Now, you had mentioned that you were the</p> <p>8 assigned recruiter to the position for which Aubry</p> <p>9 McMahon had applied.</p> <p>10 If you can recall, what position was</p> <p>11 that?</p> <p>12 A It was the donor/customer service</p> <p>13 representative trainee position.</p> <p>14 Q And from your recollection, were you the</p> <p>15 assigned recruiter for all people who applied to</p> <p>16 World Vision Incorporated for that position?</p> <p>17 A At that time, yes.</p> <p>18 Q Was there anybody else who was assigned</p> <p>19 to be the recruiter for that particular position with</p> <p>20 World Vision Incorporated, from your recollection?</p> <p>21 A Not at that time.</p> <p>22 Q Has that changed since January of 2021?</p> <p>23 A Sometimes now when we hire, there's</p> <p>24 couple of us that work on it together.</p> <p>25 Q So if I'm understanding, what you're</p>

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<p style="text-align: right;">Page 18</p> <p>1 C. Miolla</p> <p>2 explaining is that back in January 2021, you were the</p> <p>3 sole person; however, since then, at some point,</p> <p>4 there have been more than just one person who is the</p> <p>5 assigned recruiter for the customer service trainee</p> <p>6 position?</p> <p>7 A Sometimes, yes.</p> <p>8 Q Ms. Miolla, from 2020 going into 2021,</p> <p>9 how many interactions did you have with Aubry McMahon</p> <p>10 whether it be via in person, telephone, e-mail, video</p> <p>11 conference, or any other form of communication?</p> <p>12 A I don't remember the exact number.</p> <p>13 Q Would you say it was fewer than five?</p> <p>14 A No.</p> <p>15 Q Would you say it fewer -- excuse me,</p> <p>16 would you say it was between six and ten?</p> <p>17 A Can you ask the question again?</p> <p>18 Q Sure.</p> <p>19 From 2020 going into 2021, how many</p> <p>20 interactions did you have with Aubry McMahon whether</p> <p>21 it be via in person, telephone, e-mail, video</p> <p>22 conference, or any other form of communication?</p> <p>23 A And would each e-mail count as its own</p> <p>24 interaction?</p> <p>25 Q Yes. Let's count that as an interaction,</p>	<p style="text-align: right;">Page 19</p> <p>1 C. Miolla</p> <p>2 as well as any phone call, video conference, or any</p> <p>3 time you would have met in person.</p> <p>4 A Okay. I still don't know the exact</p> <p>5 amount.</p> <p>6 Q Would you say it was between six and ten?</p> <p>7 A Probably more.</p> <p>8 Q Would you say it was between 11 and 15?</p> <p>9 A That sounds roughly correct. I don't</p> <p>10 remember the exact number of e-mails.</p> <p>11 Q Would you say it was between 16 and 20?</p> <p>12 A Probably somewhere between ten and 20.</p> <p>13 Q Of those ten to 20 interactions you had,</p> <p>14 how many would you state were e-mails?</p> <p>15 A I think we -- I think there were only</p> <p>16 three times when it wasn't an e-mail.</p> <p>17 Q Okay. So the non-e-mails, you would say</p> <p>18 those were approximately three communications?</p> <p>19 A From what I can remember.</p> <p>20 Q If you could, please explain to me the</p> <p>21 three communications which were non-e-mail related.</p> <p>22 This is again, time period is from 2020 going into</p> <p>23 2012.</p> <p>24 A Well, the first time I talked to her on</p> <p>25 the phone was when she did her initial phone</p>
<p style="text-align: right;">Page 20</p> <p>1 C. Miolla</p> <p>2 interview. I was a part of her second interview at</p> <p>3 the time, which was a video interview. And then</p> <p>4 after that, I think we talked on the phone maybe one</p> <p>5 or two more times.</p> <p>6 Q When you mention that you spoke on the</p> <p>7 telephone one or two more times, was one of these a</p> <p>8 phone screening, or was that described as one of the</p> <p>9 first phone calls that you made with her?</p> <p>10 A The first time we talked on the phone was</p> <p>11 her phone screen interview.</p> <p>12 Q Okay. And when you mention that you</p> <p>13 spoke to her one or two more times, are you including</p> <p>14 in that the January 8th phone call where Melanie</p> <p>15 Freiberg was also a participant on that call?</p> <p>16 A Yes.</p> <p>17 Q Okay. If you could, Ms. Miolla, please</p> <p>18 explain to me everything you can remember about that</p> <p>19 first phone call, which was the initial phone</p> <p>20 interview with Ms. McMahon.</p> <p>21 A I remember going through the three sets</p> <p>22 of standard questions we have for that position,</p> <p>23 which include questions around the candidate's skills</p> <p>24 and experience, the logistics of the position, and</p> <p>25 then our faith and standards of conduct section.</p>	<p style="text-align: right;">Page 21</p> <p>1 C. Miolla</p> <p>2 Q Approximately how long did the phone call</p> <p>3 last?</p> <p>4 A I don't remember exactly. Maybe around</p> <p>5 30 minutes.</p> <p>6 Q Do you recall when that phone call took</p> <p>7 place?</p> <p>8 A I don't remember the date, but I think it</p> <p>9 was December of 2020.</p> <p>10 Q If you could, please explain to me</p> <p>11 everything you can remember about the second</p> <p>12 communication you had with her, which was non-e-mail,</p> <p>13 which I believe you described as a video interview.</p> <p>14 A Yes. The video interview was with</p> <p>15 myself, and Anthony Williams was our representative</p> <p>16 from the call center for that interview, he's our --</p> <p>17 the senior director of the call center, and the two</p> <p>18 of us asked her interview questions about her job</p> <p>19 experience and skills.</p> <p>20 Q Approximately how long did that video</p> <p>21 call last, from your recollection?</p> <p>22 A I don't remember exactly, but probably</p> <p>23 also maybe around 30 minutes.</p> <p>24 Q If you could, please explain to me</p> <p>25 everything you can remember about the third call or</p>

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<p style="text-align: right;">Page 22</p> <p>1 C. Miolla</p> <p>2 third non-e-mail communication you had with</p> <p>3 Ms. McMahon.</p> <p>4 A I think actually the third time we talked</p> <p>5 was when I just called her personally and offered her</p> <p>6 the job. So I think there were four.</p> <p>7 Q As for this third communication, do you</p> <p>8 recall when that occurred; was that on or about</p> <p>9 January 4th, 2021?</p> <p>10 A Yes, I believe so.</p> <p>11 Q And I'm sorry, I didn't ask you this</p> <p>12 before, but as for that second communication, the</p> <p>13 video conference where Mr. Williams was also present,</p> <p>14 do you recall the date of that video conference?</p> <p>15 A I don't recall the date.</p> <p>16 Q Do you recall the month and year?</p> <p>17 A I know that it would have been in between</p> <p>18 the phone screen and the offer, so I think it would</p> <p>19 have been December of 2020.</p> <p>20 Q Okay. And just so we're clear, the</p> <p>21 fourth and final non-e-mail communication that you</p> <p>22 had with Ms. McMahon, would that have been the</p> <p>23 telephone call where Melanie Freiberg was also</p> <p>24 present on January the 8th, 2021?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 23</p> <p>1 C. Miolla</p> <p>2 Q Now, Ms. Miolla, I'm going to share with</p> <p>3 you a document which has previously been marked as</p> <p>4 Plaintiff's Exhibit 6.</p> <p>5 Ms. Miolla, what I'm sharing with you is</p> <p>6 a document which was previously marked Plaintiff's</p> <p>7 Exhibit 6. It's a document bearing Bates-stamp</p> <p>8 numbers WV 67 through 70. I will represent that this</p> <p>9 document was exchanged during discovery phase of</p> <p>10 litigation in this matter.</p> <p>11 Please review this document and let me</p> <p>12 know once you've completed.</p> <p>13 A (Perusing a document)</p> <p>14 Okay. I've reviewed it.</p> <p>15 Q Ms. Miolla, do you recognize this</p> <p>16 document?</p> <p>17 A Yes.</p> <p>18 Q Have you ever seen it before?</p> <p>19 A Yes.</p> <p>20 Q If you can, and to the extent you know,</p> <p>21 please explain to me what this document is.</p> <p>22 A This is the script of interview</p> <p>23 information and questions we used at the time for the</p> <p>24 customer service representative trainee position, as</p> <p>25 well as Aubry's answers to the questions.</p>
<p style="text-align: right;">Page 24</p> <p>1 C. Miolla</p> <p>2 Q And just so we're clear, Ms. Miolla, when</p> <p>3 you say "we," you're -- could you tell me who the</p> <p>4 "we" is; is that World Vision Incorporated?</p> <p>5 A Yes, World Vision.</p> <p>6 Q Okay. And so we're clear, I believe that</p> <p>7 you said that this was the phone screen script that</p> <p>8 was utilized during the phone screening of Aubry</p> <p>9 McMahon?</p> <p>10 A Yes.</p> <p>11 Q And you, in fact, conducted that phone</p> <p>12 screening; is that also true?</p> <p>13 A Yes.</p> <p>14 Q In Section 1 of this document, a section</p> <p>15 titled "Intro/Logistics," there are certain headings</p> <p>16 which are in bold and italicized font. One which</p> <p>17 reads, "Things to discuss prior to interview</p> <p>18 questions."</p> <p>19 Do you see those?</p> <p>20 A Yes.</p> <p>21 Q Were you the person who created those</p> <p>22 topics to discuss?</p> <p>23 A I don't remember. I believe I helped</p> <p>24 create it.</p> <p>25 Q Do you remember how many people assisted</p>	<p style="text-align: right;">Page 25</p> <p>1 C. Miolla</p> <p>2 in the creation of the language for these topics?</p> <p>3 A I don't remember.</p> <p>4 Q Would you say it was more than three?</p> <p>5 A Probably not.</p> <p>6 Q If you can recall, when was the script</p> <p>7 for this phone screening document created? And when</p> <p>8 I say "when," I'm asking month and year or season and</p> <p>9 year, anything to the best of your recollection.</p> <p>10 MR. WARD: I'm going to object as to</p> <p>11 form.</p> <p>12 But you may answer.</p> <p>13 A Well, I think it depends on which section</p> <p>14 you're referring to. I don't believe it was all</p> <p>15 created at the same time.</p> <p>16 Q If you can recall, when was the phone</p> <p>17 screening document that has been marked Plaintiff's</p> <p>18 Exhibit 6 completed?</p> <p>19 A Can you explain what you mean by</p> <p>20 "completed"?</p> <p>21 Q Well, I'll try to explain it this way.</p> <p>22 It would seem that at some point there</p> <p>23 was a final draft of a phone screening that would</p> <p>24 then be utilized in screening candidates for the</p> <p>25 customer service trainee representative position.</p>



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<p style="text-align: right;">Page 26</p> <p>1 C. Miolla</p> <p>2 If you know and if you can recall, when</p> <p>3 did that script or that final draft become finalized?</p> <p>4 A I believe it would have been become</p> <p>5 finalized before we started any interviews for this</p> <p>6 particular class, so roughly maybe October of 2020.</p> <p>7 Q Now, aside from you, do you know the</p> <p>8 identity of the person or persons who created these</p> <p>9 topics for this phone screening document, as in what</p> <p>10 are their names?</p> <p>11 A I don't remember.</p> <p>12 Q Did you speak with Aubry McMahon on a</p> <p>13 phone screening about these two aforementioned topics</p> <p>14 in Section 1?</p> <p>15 A Yes.</p> <p>16 Q In Section 2 of this document, a section</p> <p>17 titled "Background and Skills," there appear to be a</p> <p>18 number of questions which are in bold font lettering.</p> <p>19 The first one being, "Why are you interested in this</p> <p>20 position at World Vision and why do you want to work</p> <p>21 for a call/contact center?"</p> <p>22 Do you see those?</p> <p>23 A Yes.</p> <p>24 Q Did you also participate in the creation</p> <p>25 of these topics for the phone screening document?</p>	<p style="text-align: right;">Page 27</p> <p>1 C. Miolla</p> <p>2 A I participated, yes.</p> <p>3 Q Did you speak with Aubry McMahon on a</p> <p>4 phone screening about these two aforementioned</p> <p>5 topics -- excuse me, in -- about these aforementioned</p> <p>6 topics in Section 2?</p> <p>7 A Yes.</p> <p>8 Q Now, under each bold font heading in</p> <p>9 Section 2 of this phone screening document, there</p> <p>10 appear to be some writing suggesting it was a</p> <p>11 response by the applicant.</p> <p>12 Do you see that?</p> <p>13 A Yes.</p> <p>14 Q In Section 2 underneath each question in</p> <p>15 bold font, were these the responses given by</p> <p>16 Ms. McMahon?</p> <p>17 A Yes.</p> <p>18 Q If you know, who wrote these specific</p> <p>19 responses which appear under each question in bold</p> <p>20 font in Section 2 of this document?</p> <p>21 A I typed her answer as she was speaking</p> <p>22 them.</p> <p>23 Q Now, when you say you typed her answer,</p> <p>24 did you write it verbatim, did you paraphrase,</p> <p>25 something else?</p>
<p style="text-align: right;">Page 28</p> <p>1 C. Miolla</p> <p>2 A I don't remember exactly. I generally</p> <p>3 try to write word for word as best I can.</p> <p>4 Q So it's fair to say that you tried to</p> <p>5 give the person's answer as accurate as possible, but</p> <p>6 not necessarily verbatim, is that more or less</p> <p>7 accurate?</p> <p>8 A Yes, that's accurate.</p> <p>9 Q I'd like to turn your attention to</p> <p>10 Section 3, a section entitled "Christian Commitment,"</p> <p>11 which appears at the bottom of the second page, and</p> <p>12 then goes over onto the subsequent two pages.</p> <p>13 Do you see that?</p> <p>14 A Yes.</p> <p>15 Q Now, on the third and fourth pages, which</p> <p>16 are marked WV 69 and 70 respectively, there appear to</p> <p>17 be orange boxes that contain questions and then text</p> <p>18 underneath.</p> <p>19 Do you see that?</p> <p>20 A Yes.</p> <p>21 Q Were you one of the persons who created</p> <p>22 the questions to ask that appear in the orange boxes?</p> <p>23 A No.</p> <p>24 Q Do you know the identity of the person or</p> <p>25 the people who created the questions to ask that</p>	<p style="text-align: right;">Page 29</p> <p>1 C. Miolla</p> <p>2 appear in the orange boxes?</p> <p>3 A I don't know specifically.</p> <p>4 Q Were you nevertheless directed to ask</p> <p>5 these questions as part of the phone screening you</p> <p>6 conducted when you spoke with Aubry McMahon?</p> <p>7 A Yes, I was instructed to ask these</p> <p>8 questions.</p> <p>9 Q And if you can recall, who is the person</p> <p>10 or who are the persons who instructed you to ask</p> <p>11 these questions?</p> <p>12 A This was part of our -- this is part of</p> <p>13 our script for all job applications, so I wasn't</p> <p>14 instructed by anyone in particular.</p> <p>15 Q Was it nevertheless, from your</p> <p>16 recollection, a directive that you answer all</p> <p>17 questions as part of the phone screening, including</p> <p>18 the ones that appear in the orange boxes?</p> <p>19 A Yes.</p> <p>20 MR. WARD: I'll object -- object to form,</p> <p>21 but that's fine.</p> <p>22 Q And if you can recall, who directed you</p> <p>23 to ask all questions including the ones that appear</p> <p>24 in the red boxes (sic)?</p> <p>25 MR. WARD: Objection as to form.</p>

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<p style="text-align: right;">Page 30</p> <p>1 C. Miolla</p> <p>2 You may answer.</p> <p>3 A I don't know specific names, but it would</p> <p>4 be like our HR leadership and legal team, I think.</p> <p>5 Q Did you ask these questions which appear</p> <p>6 on the orange boxes on pages WV 69 and 70 to</p> <p>7 Ms. McMahon during your phone screening?</p> <p>8 A Yes.</p> <p>9 Q Do Aubry's responses to these questions</p> <p>10 appear in the respective text in the sections below</p> <p>11 each question?</p> <p>12 A Yes.</p> <p>13 Q Now, I'd like to ask you, please review</p> <p>14 the questions and the answers to those that appear in</p> <p>15 the orange boxes and the text below, and please let</p> <p>16 me know once you've done that.</p> <p>17 A (Perusing a document)</p> <p>18 I'm finished reviewing.</p> <p>19 Q Ms. Miolla, from your recollection, were</p> <p>20 these, in fact, Aubry's responses to each question</p> <p>21 that appears below each orange box on pages 3 and 4</p> <p>22 of Plaintiff's Exhibit 6?</p> <p>23 A I believe so, yes.</p> <p>24 Q Did you write verbatim what Ms. McMahon</p> <p>25 said in response, did you paraphrase, something else?</p>	<p style="text-align: right;">Page 31</p> <p>1 C. Miolla</p> <p>2 A I did my best to write verbatim.</p> <p>3 Q And how did you enter these responses</p> <p>4 into this document; did you utilize a computer, did</p> <p>5 you handwrite something and then go back and add them</p> <p>6 into a master document, something else?</p> <p>7 A I typed them into a computer.</p> <p>8 Q And when you say "typed them into a</p> <p>9 computer," was the document that you're looking at in</p> <p>10 Plaintiff's Exhibit 6, was it the Word doc?</p> <p>11 A Yes, it was a Word doc.</p> <p>12 MR. WOLNOWSKI: Off the record.</p> <p>13 (Discussion held off the record)</p> <p>14 MR. WOLNOWSKI: Back on.</p> <p>15 Q Ms. Miolla, I'd like to direct your</p> <p>16 attention to the bottom of the third page, namely,</p> <p>17 the fourth bullet down which reads, "Examples of</p> <p>18 behaviors that we believe are not in alignment with</p> <p>19 our standards of conduct and therefore unacceptable</p> <p>20 behavior for employees include," and then the second</p> <p>21 dash down reads, "Any sexual conduct outside of</p> <p>22 marriage; (pause) WV defines marriage as between a</p> <p>23 man and a woman."</p> <p>24 Do you see that?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 32</p> <p>1 C. Miolla</p> <p>2 Q If you know, why is the word "pause"</p> <p>3 written into the document?</p> <p>4 A I don't really know other than that when</p> <p>5 we're reading this as recruiters, we were supposed to</p> <p>6 take a pause at that time.</p> <p>7 Q Now, I don't see any other part of this</p> <p>8 document which directs the reader or the screener, if</p> <p>9 you will, to pause or to do anything which might</p> <p>10 adjust a normal speech pattern.</p> <p>11 Do you know why that is?</p> <p>12 MR. WARD: I'll object as to form.</p> <p>13 But you may answer.</p> <p>14 A I don't know why that is.</p> <p>15 Q It would seem that the pause was</p> <p>16 intentional.</p> <p>17 Now, as a person who had a hand in the</p> <p>18 creation of this document, please tell me everything</p> <p>19 that you can remember about decision -- about the</p> <p>20 decision to include that word "pause" in this</p> <p>21 section.</p> <p>22 MR. WARD: I'll object as to form.</p> <p>23 A I wasn't involved at all in the creation</p> <p>24 of this part.</p> <p>25 Q Understood.</p>	<p style="text-align: right;">Page 33</p> <p>1 C. Miolla</p> <p>2 Ms. Miolla, did you read this sentence</p> <p>3 after the fourth bullet when you spoke with Ms. --</p> <p>4 Ms. McMahon during your phone screen?</p> <p>5 A Yes.</p> <p>6 Q Okay. Did you read the text after that</p> <p>7 second dash when you spoke with Ms. McMahon during</p> <p>8 her phone screen with you?</p> <p>9 A Yes.</p> <p>10 Q When you initially read that text next to</p> <p>11 that second dash, did Ms. McMahon say anything to</p> <p>12 you?</p> <p>13 A No.</p> <p>14 Q I'd like to focus on the final three</p> <p>15 questions which appear in the three orange boxes on</p> <p>16 the fourth page; the "fourth page" being the one</p> <p>17 that's Bates-stamped WV 70.</p> <p>18 For the words that appear in each of</p> <p>19 these three boxes, did you read these sections to</p> <p>20 Ms. McMahon verbatim, to your recollection?</p> <p>21 A Yes.</p> <p>22 Q Do you have any belief that you may not</p> <p>23 have asked exactly what is written on this page when</p> <p>24 you spoke with Ms. McMahon?</p> <p>25 MR. WARD: Objection as to form.</p>

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<p style="text-align: right;">Page 34</p> <p>1 C. Miolla</p> <p>2 You may answer.</p> <p>3 A I read these questions exactly as they're</p> <p>4 written.</p> <p>5 Q And for each response, was the response</p> <p>6 as written on this page and below each orange box,</p> <p>7 was that what Ms. McMahon told you verbatim?</p> <p>8 A Yes.</p> <p>9 Q Either during the phone screening or at</p> <p>10 any time before an offer or employment was extended</p> <p>11 to Ms. McMahon, did you personally ever have any</p> <p>12 belief that Ms. McMahon was gay?</p> <p>13 A No.</p> <p>14 MR. WARD: I'll object to the form of the</p> <p>15 question.</p> <p>16 Q If you understand the question,</p> <p>17 Ms. Miolla, you can answer.</p> <p>18 A Can you ask it again?</p> <p>19 Q Sure.</p> <p>20 Either during the phone screening or at</p> <p>21 any time before an offer of employment was extended</p> <p>22 to Ms. McMahon, did you personally ever have any</p> <p>23 belief that Ms. McMahon was gay?</p> <p>24 MR. WARD: Same objection.</p> <p>25 You may answer.</p>	<p style="text-align: right;">Page 35</p> <p>1 C. Miolla</p> <p>2 A No.</p> <p>3 Q Either during the phone screening or at</p> <p>4 any time before an offer of employment was extended</p> <p>5 to Ms. McMahon, did you personally ever have any</p> <p>6 belief that Ms. McMahon was in a same-sex marriage?</p> <p>7 MR. WARD: Objection as to form.</p> <p>8 You may answer.</p> <p>9 A No.</p> <p>10 Q Either during the phone screening or at</p> <p>11 any time before an offer of employment was extended</p> <p>12 to Ms. McMahon, did you personally have any belief</p> <p>13 that Ms. McMahon was a woman?</p> <p>14 A Yes.</p> <p>15 Q And how did you form that belief?</p> <p>16 A I'm not sure exactly.</p> <p>17 Q Well, do you recall when you formed that</p> <p>18 belief?</p> <p>19 A Probably when I reviewed her application.</p> <p>20 Q And if you can explain to me, how is it</p> <p>21 that you formed that belief upon reviewing her</p> <p>22 application?</p> <p>23 A I think I reviewed her name, and then</p> <p>24 when I talked with her and how she referred to</p> <p>25 herself.</p>
<p style="text-align: right;">Page 36</p> <p>1 C. Miolla</p> <p>2 Q So is it fair to say that the name Aubry</p> <p>3 suggested to you that she may be a woman?</p> <p>4 MR. WARD: I'll object as to form.</p> <p>5 You may answer.</p> <p>6 A Suggested to me that she may be, yes.</p> <p>7 Q When you spoke with Ms. McMahon on the</p> <p>8 telephone and you heard her voice, did the sound of</p> <p>9 her voice contribute to your belief that Ms. McMahon</p> <p>10 was probably a woman?</p> <p>11 A I think so, yes.</p> <p>12 Q Ms. Miolla, to your knowledge and based</p> <p>13 on your experience, if Ms. McMahon had disclosed that</p> <p>14 she was in a same-sex marriage as part of her</p> <p>15 telephone -- telephone screening, would an offer of</p> <p>16 employment have been extended by World Vision to</p> <p>17 Ms. McMahon?</p> <p>18 MR. WARD: I'm going to object to the</p> <p>19 form and calling for speculation.</p> <p>20 You may answer to the extent you know.</p> <p>21 A Can you ask the question again or</p> <p>22 rephrase, please?</p> <p>23 Q Sure.</p> <p>24 To your knowledge and based on your</p> <p>25 experience, if Ms. McMahon had disclosed that she was</p>	<p style="text-align: right;">Page 37</p> <p>1 C. Miolla</p> <p>2 in a same-sex marriage as part of her telephone</p> <p>3 screening, would an offer of employment have been</p> <p>4 extended by World Vision Incorporated to Ms. McMahon?</p> <p>5 MR. WARD: Same objection.</p> <p>6 You may answer.</p> <p>7 A At this point in the process, I would</p> <p>8 have asked her if she could comply with the standards</p> <p>9 of conduct.</p> <p>10 Q If she had said yes, would an offer of</p> <p>11 employment have been extended by World Vision to</p> <p>12 Ms. McMahon?</p> <p>13 MR. WARD: Same objection as to form.</p> <p>14 You may answer.</p> <p>15 A If she had said she could comply with the</p> <p>16 standards of conduct?</p> <p>17 Q Yes.</p> <p>18 A We would move forward to the next step if</p> <p>19 there were no other concerns.</p> <p>20 Q What if she had said no?</p> <p>21 MR. WARD: Same objection as to form.</p> <p>22 You may answer.</p> <p>23 A If a candidate says that they can't</p> <p>24 comply with the standards of conduct, we don't move</p> <p>25 them forward.</p>

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<p style="text-align: right;">Page 38</p> <p>C. Miolla</p> <p>Q To your knowledge and based on your experience, if Ms. McMahon had disclosed that she was gay as part of her telephone screening, would an offer of employment have been extended by World Vision Incorporated to Ms. McMahon?</p> <p>MR. WARD: I'm going to -- same objection as to form.</p> <p>You may answer.</p> <p>A My part in this process at this point is just asking the question of if they comply with the standards of conduct.</p> <p>Q So is it fair to say that, at this point of -- of the process which is during the phone screening, is that you, in essence, are compiling information to then pass along to a decision maker; is that a fair way to encapsulate what your tasks and responsibilities were?</p> <p>A My responsibility is to gather the information throughout all of the questions in the phone screen to then move to the next steps which includes the hiring manager as the ultimate decision maker.</p> <p>Q Did you have the power to flat out deny somebody's employment solely --</p>	<p style="text-align: right;">Page 39</p> <p>C. Miolla</p> <p>MR. WARD: Objection to the --</p> <p>Q -- following the phone screen portion?</p> <p>MR. WARD: Sorry.</p> <p>Objection as to form.</p> <p>You may answer.</p> <p>A Can you rephrase that?</p> <p>MR. WOLNOWSKI: Ms. Ratigan, could you read that back? And if rephrase is needed, I'll do my best.</p> <p>(WHEREUPON, the previous question was read by the court reporter.)</p> <p>Q And to be clear, Ms. Miolla, when I say "you," I mean you personally as in Catherine Miolla.</p> <p>A I'm able to not move someone forward past the stage if they don't meet the requirements for any reason.</p> <p>Q After this phone screening with Ms. McMahon, which I will represent occurred on or about December 4, 2020, what was the next step in considering Ms. McMahon for employment with World Vision?</p> <p>A The next step for this position is a written, typing speed, and data entry test.</p> <p>Q So if you could, Ms. Miolla, based on</p>
<p style="text-align: right;">Page 40</p> <p>C. Miolla</p> <p>your knowledge and experience, explain to me the general process in considering somebody for employment as a customer service representative or donor/customer service representative trainee after his or her phone screening such as the one in which Ms. McMahon was involved on or about December 4, 2020.</p> <p>A The next step is the assessment I just mentioned, and then a subsequent interview with a leader from the call center.</p> <p>Q And then if you could, please explain to me what happens after that; if a person passes both the -- the typing proficiency portion and then that next interview that you've just described, what is the next step?</p> <p>A The next step at that time would be references and a background check.</p> <p>Q And assuming the applicant passes the references and background check portion, what is the next step?</p> <p>A I believe the next step is the offer.</p> <p>MR. WOLNOWSKI: If it's all right, we should take a quick five-minute break; is that okay with everybody?</p>	<p style="text-align: right;">Page 41</p> <p>C. Miolla</p> <p>Ms. Miolla, most importantly, is that okay with you?</p> <p>THE WITNESS: Yes.</p> <p>MR. WOLNOWSKI: All right. So let's just be back in -- it'll probably be less than five minutes, but let's just say let's be back at 1:58; I have 1:53.</p> <p>Thank you, everybody. We'll be right back.</p> <p>MR. WARD: Okay.</p> <p>(WHEREUPON, a brief recess was taken, after which the following transpired:)</p> <p>(Time noted: 2:00 p.m.)</p> <p>CONTINUED EXAMINATION BY MR. WOLNOWSKI:</p> <p>Q Ms. Miolla, did you pass this telephone screening document marked as Plaintiff's Exhibit 6 along to anybody?</p> <p>A I believe I just upload it to our applicant tracking system.</p> <p>Q Do you recall if you notified anybody that either the phone screening had been completed as to Aubry McMahon or that you had uploaded the phone screen document?</p> <p>A I would have just let the hiring team in</p>

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<p style="text-align: right;">Page 42</p> <p>1 C. Miolla</p> <p>2 the call center know that we had another candidate</p> <p>3 ready to interview.</p> <p>4 Q And do you recall if you, in fact, did</p> <p>5 that with Aubry McMahon?</p> <p>6 A I think that I did.</p> <p>7 Q Okay. And if you can tell me, if you can</p> <p>8 remember, you said that you would have informed a</p> <p>9 person or informed a manager.</p> <p>10 Do you remember the identity of that</p> <p>11 individual?</p> <p>12 A I don't remember exactly in this scenario</p> <p>13 other than Anthony since he was on the next</p> <p>14 interview.</p> <p>15 Q And what was Anthony's last name?</p> <p>16 A Thomas.</p> <p>17 Q Ms. Miolla, after this phone screen, when</p> <p>18 was the next time you learned anything about</p> <p>19 Ms. McMahon's potential employment with World Vision</p> <p>20 Incorporated?</p> <p>21 A After this phone screen?</p> <p>22 Q Correct.</p> <p>23 A Well, the next thing I would have learned</p> <p>24 would have been that she passed the written</p> <p>25 assessment.</p>	<p style="text-align: right;">Page 43</p> <p>1 C. Miolla</p> <p>2 Q Do you recall around when that was?</p> <p>3 A Not exactly.</p> <p>4 Q To your knowledge and from your</p> <p>5 recollection, please tell me everyone you can</p> <p>6 remember who had any role in deciding to extend an</p> <p>7 offer of employment to Aubry McMahon to work for</p> <p>8 World Vision Incorporated.</p> <p>9 A I don't remember.</p> <p>10 Q From your knowledge and from your</p> <p>11 recollection, was it more than three people?</p> <p>12 A I don't think so.</p> <p>13 Q So from your knowledge and recollection,</p> <p>14 it was three or fewer?</p> <p>15 A I think so.</p> <p>16 Q Were you one of the individuals who</p> <p>17 recommended an offer of employment be extended to</p> <p>18 Aubry McMahon?</p> <p>19 A I was the one who conducted her phone</p> <p>20 screen and let the hiring team know there weren't</p> <p>21 issues at the time.</p> <p>22 Q So my question I think is a little more</p> <p>23 focussed as to whether or not you recommended an</p> <p>24 offer of employment be extended.</p> <p>25 Are -- are you saying that yes, you were,</p>
<p style="text-align: right;">Page 44</p> <p>1 C. Miolla</p> <p>2 by virtue of those actions you just described?</p> <p>3 MR. WARD: I'm going to object as to</p> <p>4 form.</p> <p>5 But you may answer.</p> <p>6 A Well, generally, the hiring decision is</p> <p>7 of the hiring manager or the hiring team.</p> <p>8 Q If you can remember, who was the hiring</p> <p>9 manager responsible for Aubry McMahon's application</p> <p>10 in January 2021 and December of 2020?</p> <p>11 A I don't remember the hiring manager, but</p> <p>12 the representative who was part of her interview was</p> <p>13 Anthony.</p> <p>14 Q Do you recall if Melanie Freiberg played</p> <p>15 any role in the determination to extend an offer of</p> <p>16 employment to Aubry McMahon?</p> <p>17 A I don't believe so.</p> <p>18 Q Do you recall if Christine Talbot played</p> <p>19 any role in the decision to extend an offer of</p> <p>20 employment to Aubry McMahon?</p> <p>21 A I don't believe so.</p> <p>22 Q At some point, an offer of employment was</p> <p>23 extended to Ms. McMahon for the position of</p> <p>24 donor/customer service representative; is that</p> <p>25 correct?</p>	<p style="text-align: right;">Page 45</p> <p>1 C. Miolla</p> <p>2 A Yes.</p> <p>3 MR. WARD: Objection as to form.</p> <p>4 You may answer.</p> <p>5 Q Do you know who made the ultimate</p> <p>6 decision to extend an offer of employment to Aubry</p> <p>7 McMahon to work at World Vision Incorporated?</p> <p>8 A Can you rephrase that?</p> <p>9 Q Do you know who made the ultimate</p> <p>10 decision to extend an offer of employment to Aubry</p> <p>11 McMahon to work at World Vision Incorporated?</p> <p>12 And let me back up for a moment, because</p> <p>13 I don't want there to be any confusion.</p> <p>14 I had previously asked you about who was</p> <p>15 involved in the decision-making process, for which</p> <p>16 you testified and provided answers.</p> <p>17 I'm now asking a slightly different</p> <p>18 question, which is whether or not you know who made</p> <p>19 the ultimate decision to extend an offer of</p> <p>20 employment to Aubry McMahon to work at World Vision</p> <p>21 Incorporated.</p> <p>22 A I don't think it was necessarily one</p> <p>23 person making the ultimate decision.</p> <p>24 Q If you can recall, who were the persons</p> <p>25 who contributed to making the ultimate decision to</p>

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<p style="text-align: right;">Page 46</p> <p>1 C. Miolla</p> <p>2 extend an offer of employment to Aubry McMahon to</p> <p>3 work at World Vision Incorporated?</p> <p>4 A I don't remember anyone specifically</p> <p>5 being involved other than who I've already mentioned.</p> <p>6 Q You reached out to Aubry McMahon on</p> <p>7 January 4th, 2021 to verbally extend her an offer</p> <p>8 with World Vision; is that correct?</p> <p>9 A I believe so, yes.</p> <p>10 Q Well, irrespective of the date, who, if</p> <p>11 anyone, directed you to do that?</p> <p>12 A That would have been like the standard</p> <p>13 next step in our process, so her having passed the</p> <p>14 previous steps would move us to that next step.</p> <p>15 Q So if I'm understanding, there wasn't a</p> <p>16 directive, so to speak, but that you were following</p> <p>17 the protocol that had been created by World Vision;</p> <p>18 is that more or less an accurate description?</p> <p>19 MR. WARD: Objection as to form.</p> <p>20 You may answer.</p> <p>21 A I believe that's accurate.</p> <p>22 Q Ms. Miolla, you sent Aubry McMahon a</p> <p>23 letter on or about January -- well, let me back up.</p> <p>24 When you spoke with Ms. McMahon on</p> <p>25 January 4th, if you could, please explain to me</p>	<p style="text-align: right;">Page 47</p> <p>1 C. Miolla</p> <p>2 everything you can remember about that conversation.</p> <p>3 A I don't remember specifics other than</p> <p>4 letting her know that she was being extended the job</p> <p>5 offer and that I would be sending the written offer</p> <p>6 letter.</p> <p>7 Q And how long did that telephone</p> <p>8 conversation last?</p> <p>9 A I don't remember.</p> <p>10 Q Would you say it was shorter than three</p> <p>11 minutes?</p> <p>12 A Probably.</p> <p>13 Q In response to you telling her that she</p> <p>14 would be extended an offer, from your recollection,</p> <p>15 what, if anything, did Aubry say to you in response?</p> <p>16 A I don't remember what she said.</p> <p>17 Q And do you recall if she accepted the</p> <p>18 position?</p> <p>19 A I don't remember if she did on that phone</p> <p>20 call.</p> <p>21 Q Did she say that she was looking forward</p> <p>22 to working at World Vision or something to that end?</p> <p>23 A I don't remember.</p> <p>24 Q Ms. Miolla, you sent Aubry McMahon a</p> <p>25 letter on or about January 5th, 2021 which served as</p>
<p style="text-align: right;">Page 48</p> <p>1 C. Miolla</p> <p>2 a written confirmation of the verbal offer made to</p> <p>3 her for the position of donor/customer service</p> <p>4 representative with -- trainee with World Vision; is</p> <p>5 that correct?</p> <p>6 A Yes.</p> <p>7 Q I'd like to show what has been previously</p> <p>8 marked as Plaintiff's Exhibit Number 2.</p> <p>9 This is a document which is Bates-stamped</p> <p>10 WV 78 to 79. I will represent that this document was</p> <p>11 exchanged during the discovery phase of litigation in</p> <p>12 this matter.</p> <p>13 If you could, please review this document</p> <p>14 and let me know once you've completed doing so.</p> <p>15 A (Perusing a document)</p> <p>16 I've completed reviewing it.</p> <p>17 Q Ms. Miolla, do you recognize this</p> <p>18 document?</p> <p>19 A Yes.</p> <p>20 Q Have you ever seen it before?</p> <p>21 A Yes.</p> <p>22 Q Is this letter a written confirmation of</p> <p>23 an offer of employment for Aubry McMahon to work for</p> <p>24 World Vision Incorporated?</p> <p>25 A It's a written confirmation of her offer</p>	<p style="text-align: right;">Page 49</p> <p>1 C. Miolla</p> <p>2 to be a donor/customer service representative</p> <p>3 trainee.</p> <p>4 Q In the first sentence of this document,</p> <p>5 it states that the job itself was to commence on</p> <p>6 February 1st, 2021.</p> <p>7 Is that the -- correct that this document</p> <p>8 states that?</p> <p>9 A Yes.</p> <p>10 Q Is it accurate that the job itself would</p> <p>11 indeed commence on February 1st, 2021?</p> <p>12 A That's when the training would have</p> <p>13 started, yes.</p> <p>14 Q And at the bottom of page 1 of this</p> <p>15 document, it bears your name -- correction, excuse</p> <p>16 me. Let me go back.</p> <p>17 Not of page 1, but as of the first page,</p> <p>18 the one marked WV 78, it bears your name; correct?</p> <p>19 A Yes.</p> <p>20 Q Okay. In January of 2021, did you</p> <p>21 regularly send out letters bearing your name at the</p> <p>22 bottom such as the one marked as Plaintiff's Exhibit</p> <p>23 Number 2?</p> <p>24 A Yes.</p> <p>25 Q Do you know why your name appears there</p>

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<p style="text-align: right;">Page 50</p> <p>1 C. Miolla</p> <p>2 as opposed to somebody else's?</p> <p>3 A Not really, other than that I was the</p> <p>4 assigned recruiter.</p> <p>5 Q And this document was sent via a version</p> <p>6 that was DocuSign; correct?</p> <p>7 A I believe so.</p> <p>8 MR. WOLNOWSKI: Off the record.</p> <p>9 (Discussion held off the record)</p> <p>10 MR. WOLNOWSKI: Back on.</p> <p>11 Q Ms. Miolla, do you know if Aubry McMahon</p> <p>12 ever returned a signed copy of this letter, whether</p> <p>13 it be via DocuSign or otherwise?</p> <p>14 A I don't think she did.</p> <p>15 Q Now, Ms. Miolla, that same day,</p> <p>16 January 5th, 2021, Aubry McMahon sent you an e-mail;</p> <p>17 correct?</p> <p>18 A I believe so, yes.</p> <p>19 Q Do you recall receiving an e-mail from</p> <p>20 Ms. McMahon on or about January 5th, 2021 disclosing</p> <p>21 to you that she was pregnant?</p> <p>22 A I remember getting the e-mail, but I</p> <p>23 don't remember exactly what it said.</p> <p>24 Q So as you sit here today, you don't</p> <p>25 recall whether or not you received an e-mail on</p>	<p style="text-align: right;">Page 51</p> <p>1 C. Miolla</p> <p>2 January 5th, 2021 disclosing to you that Ms. McMahon</p> <p>3 was pregnant?</p> <p>4 A I can't remember the exact content of the</p> <p>5 e-mail.</p> <p>6 Q I'm sorry, could you repeat that? You</p> <p>7 broke up just a tad.</p> <p>8 (WHEREUPON, the requested portion of the</p> <p>9 testimony was read by the court reporter.)</p> <p>10 MR. WOLNOWSKI: Thank you.</p> <p>11 Q Do you recall receiving an e-mail from</p> <p>12 Ms. McMahon on or about January 5th, 2021 disclosing</p> <p>13 to you that she was expecting her first baby in March</p> <p>14 of that year?</p> <p>15 A I don't remember if it included that</p> <p>16 specific de- -- those specific details.</p> <p>17 Q Do you recall receiving an e-mail from</p> <p>18 Ms. McMahon on or about January 5th asking you if she</p> <p>19 would qualify for time off since she'll be a new</p> <p>20 employee?</p> <p>21 A I remember she asked something about time</p> <p>22 off, but I don't remember exactly what she asked.</p> <p>23 Q Do you recall receiving an e-mail from</p> <p>24 Ms. McMahon on or about January 5th, 2021 disclosing</p> <p>25 to you that she had a wife?</p>
<p style="text-align: right;">Page 52</p> <p>1 C. Miolla</p> <p>2 A I don't remember exactly what was in the</p> <p>3 e-mail. I believe the word "wife" was in the e-mail.</p> <p>4 Q Do you recall receiving an e-mail from</p> <p>5 Ms. McMahon on or about January 5th, 2021 disclosing</p> <p>6 that she was LGBTQ?</p> <p>7 MR. WARD: Objection as to form.</p> <p>8 You may answer.</p> <p>9 A I don't remember the specifics of that</p> <p>10 being in the e-mail.</p> <p>11 Q One moment. Bear with me, please,</p> <p>12 Ms. Miolla.</p> <p>13 Thank you for your patience, Ms. Miolla.</p> <p>14 I'd like to show you what is marked as</p> <p>15 Plaintiff's Exhibit 3. It's a document that bears</p> <p>16 Bates-stamp Number WV 80. I will represent that this</p> <p>17 document was exchanged during the discovery phase of</p> <p>18 litigation in this matter.</p> <p>19 If you could, please review this document</p> <p>20 and let me know once you've completed doing so.</p> <p>21 A (Perusing a document)</p> <p>22 I've reviewed the document.</p> <p>23 Q Do you recognize this document?</p> <p>24 A Yes.</p> <p>25 Q Have you ever seen it before?</p>	<p style="text-align: right;">Page 53</p> <p>1 C. Miolla</p> <p>2 A Yes.</p> <p>3 Q Did you receive this e-mail from Aubry</p> <p>4 McMahon on January 5th of 2021?</p> <p>5 A I believe so, yes.</p> <p>6 Q Now that you've had a chance to review</p> <p>7 it, does this e-mail disclose to you that Ms. McMahon</p> <p>8 was pregnant?</p> <p>9 A I believe so.</p> <p>10 Q Well, she does state, "I will be the one</p> <p>11 having the baby."</p> <p>12 In light of this, does that help clarify</p> <p>13 as to whether or not in this e-mail Ms. McMahon was</p> <p>14 advising you that she was pregnant?</p> <p>15 A Can you ask the question again?</p> <p>16 MR. WOLNOWSKI: Ms. Ratigan, could you</p> <p>17 please read it back?</p> <p>18 (WHEREUPON, the previous question was</p> <p>19 read by the court reporter.)</p> <p>20 A I -- I believe so, yes.</p> <p>21 Q In reviewing this e-mail and in light of</p> <p>22 your prior answers, does this e-mail help clarify as</p> <p>23 to whether or not Ms. McMahon asked you if she</p> <p>24 qualified for any time off?</p> <p>25 A Yes.</p>

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<p style="text-align: right;">Page 54</p> <p>C. Miolla</p> <p>Q In light of reviewing this e-mail and in light of your prior testimony, does this e-mail disclose to you that Ms. McMahon was expecting her first baby in March?</p> <p>A Yes.</p> <p>Q In reviewing this e-mail and in light of your prior testimony, does this e-mail disclose to you that Ms. McMahon had a wife?</p> <p>A Yes.</p> <p>Q In reviewing this e-mail and in light of your prior testimony, does this e-mail disclose that she is LGBTQ --</p> <p>MR. WARD: Objection --</p> <p>Q -- in your opinion?</p> <p>MR. WARD: Objection as to form. You may answer.</p> <p>A Well, I just know the facts of the e-mail, which indicate that she has a wife.</p> <p>Q Did you formulate an opinion upon reading this as to whether or not Aubry McMahon may be gay?</p> <p>MR. WARD: Objection as to form. You may answer.</p> <p>A I don't remember.</p> <p>Q Well, as you read it now?</p>	<p style="text-align: right;">Page 55</p> <p>C. Miolla</p> <p>MR. WARD: Same objection. You may answer.</p> <p>A I think I just recognized that I needed to get guidance on how to respond.</p> <p>Q I think my question is, as you read the e-mail now, do you believe that, in reading this e-mail, that you were informed that somebody may be gay?</p> <p>MR. WARD: I'm going to object as to form and as argumentative and as to relevance. But you may answer to the extent you know.</p> <p>A I just know the facts of the e-mail.</p> <p>Q And what are the facts of the e-mail?</p> <p>A That she has a question, that she has a wife, that she's expecting her first baby in March.</p> <p>Q When you first read this, from your recollection in Jan- -- on January 5th, 2021, did you think that Aubry McMahon might be gay?</p> <p>MR. WARD: Objection as to form. You may answer.</p> <p>A I just remember thinking that I needed guidance from my leadership. I don't remember my thoughts other than that.</p>
<p style="text-align: right;">Page 56</p> <p>C. Miolla</p> <p>Q And why did you conclude that you needed guidance from leadership?</p> <p>A She just had several questions that I felt like I wasn't able to answer on my own.</p> <p>Q And what were those questions?</p> <p>A Well, her question really was to take time off.</p> <p>Q Any other questions?</p> <p>A Not explicitly in this e-mail.</p> <p>Q So upon reading this, you didn't think that there were any questions which needed to be addressed in light of the fact that she might be in a same-sex marriage; is that correct?</p> <p>A I wanted guidance as to how to move forward if she were to be -- if there were to be issues with anything related to the standards of conduct.</p> <p>Q And what standards of conduct in particular did you think there may be questions surrounding?</p> <p>A Potentially the statement in the standards of conduct which at the time read as any sexual conduct outside of a marriage with World Vision believing marriage to be between a man and a</p>	<p style="text-align: right;">Page 57</p> <p>C. Miolla</p> <p>woman.</p> <p>Q Did you think there were any questions which potentially needed to be addressed in light of the fact that Aubry McMahon might be gay?</p> <p>MR. WARD: Objection as to form.</p> <p>A I don't know.</p> <p>Q So it's not a definitive no, is what you're saying; correct?</p> <p>MR. WARD: Objection as to form.</p> <p>A I'm not sure.</p> <p>Q And why would Aubry McMahon's sexual orientation of being gay have anything to do with whether or not she could work for World Vision --</p> <p>MR. WARD: Objection.</p> <p>Q -- in January of 2021?</p> <p>MR. WARD: Objection; form, argumentative.</p> <p>A I just felt like I needed to talk with my management about if she was in alignment with the standards of conduct as well as her time off question.</p> <p>Q From your recollection in January of 2021, what, if anything, did the standards of conduct say about a person who is LGBTQ working for World</p>



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<p style="text-align: right;">Page 58</p> <p>1 C. Miolla</p> <p>2 Vision?</p> <p>3 MR. WARD: Objection as to form.</p> <p>4 You may answer.</p> <p>5 A The standards of conduct doesn't use that</p> <p>6 language. It reads as we read earlier.</p> <p>7 Q Was there ever any discussion about</p> <p>8 bringing it to the attention of managers or</p> <p>9 supervisors if somebody disclosed that they were gay?</p> <p>10 MR. WARD: Objection as to form.</p> <p>11 A Can you ask that again?</p> <p>12 Q Sure.</p> <p>13 Was there any policy or protocol in place</p> <p>14 in January of 2021 to address a potential applicant</p> <p>15 as being gay with a manager or supervisor?</p> <p>16 MR. WARD: Objection as to form.</p> <p>17 A No.</p> <p>18 Q Upon receiving this e-mail, what is the</p> <p>19 first thing that you did?</p> <p>20 A I believe I talked to my manager, Melanie</p> <p>21 Freiberg.</p> <p>22 Q And what did you -- what did you say to</p> <p>23 her?</p> <p>24 A I let her know this was the e-mail I</p> <p>25 received and asked her how I should move forward.</p>	<p style="text-align: right;">Page 59</p> <p>1 C. Miolla</p> <p>2 Q Did Melanie Freiberg come into possession</p> <p>3 of this e-mail in any way, from your recollection?</p> <p>4 A I don't remember.</p> <p>5 Q Do you recall whether or not you</p> <p>6 forwarded it on to her?</p> <p>7 A I don't recall.</p> <p>8 Q Upon notifying Melanie Freiberg as to the</p> <p>9 existence of this e-mail, what, if anything, did she</p> <p>10 say to you with respect to the content of the e-mail?</p> <p>11 A I don't remember her saying anything</p> <p>12 about the content.</p> <p>13 Q Well, if you can, just explain to me the</p> <p>14 first time that you spoke with her about this e-mail</p> <p>15 from Aubry McMahon on January the 5th.</p> <p>16 A All I remember is letting her know the</p> <p>17 content of the e-mail and asking her how I should</p> <p>18 move forward.</p> <p>19 Q And what did she say in response to that?</p> <p>20 A I believe she said that we should talk to</p> <p>21 our legal team.</p> <p>22 Q How long did that conversation last with</p> <p>23 Melanie Freiberg?</p> <p>24 A I don't remember.</p> <p>25 Q Would you say it was less than three</p>
<p style="text-align: right;">Page 60</p> <p>1 C. Miolla</p> <p>2 minutes?</p> <p>3 A I don't remember.</p> <p>4 Q Would you say it was more than three</p> <p>5 minutes?</p> <p>6 A I don't remember.</p> <p>7 Q Was it more than ten minutes?</p> <p>8 A I don't remember.</p> <p>9 Q Was it more than 20 minutes?</p> <p>10 A I don't think so.</p> <p>11 Q So from your recollection, it could have</p> <p>12 been anywhere from a couple of seconds to 20 minutes?</p> <p>13 MR. WARD: Objection as to form. It</p> <p>14 mischaracterizes.</p> <p>15 A I don't remember anything more specific</p> <p>16 than that in terms of the length.</p> <p>17 Q So is it fair to say that the</p> <p>18 conversation could have lasted only a couple minutes?</p> <p>19 A I don't remember.</p> <p>20 Q Is it fair to say the conversation could</p> <p>21 have lasted 20 minutes?</p> <p>22 MR. WARD: Objection as to form. And,</p> <p>23 Counsel, I think this has been asked and</p> <p>24 answered. You've gotten a consistent response</p> <p>25 to every variation on the theme. At this</p>	<p style="text-align: right;">Page 61</p> <p>1 C. Miolla</p> <p>2 point, it's just badgering the witness.</p> <p>3 MR. WOLNOWSKI: If the witness</p> <p>4 understands the question, she can answer it.</p> <p>5 A I don't remember the length of the call.</p> <p>6 Q I'd like to show you what has been marked</p> <p>7 as Plaintiff's Exhibit Number 4.</p> <p>8 Ms. Miolla, I'd like to show you what is</p> <p>9 marked as Plaintiff's Exhibit Number 4. It is a</p> <p>10 document that is Bates-stamped WV 231 to 232. I will</p> <p>11 represent that this is a document that was exchanged</p> <p>12 during the discovery phase of litigation in this</p> <p>13 matter.</p> <p>14 Please review this document and let me</p> <p>15 know once you've completed doing so.</p> <p>16 A (Perusing a document)</p> <p>17 I've finished reviewing it.</p> <p>18 Q Do you recognize this document?</p> <p>19 A Yes.</p> <p>20 Q Have you ever seen it before?</p> <p>21 A Yes.</p> <p>22 Q This appears to be an e-mail chain</p> <p>23 between you and Melanie Freiberg regarding Aubry</p> <p>24 McMahon; would you agree?</p> <p>25 A Yes.</p>

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<p style="text-align: right;">Page 62</p> <p>C. Miolla</p> <p>Q In January of 2021, who was Melanie Freiberg?</p> <p>A She was my direct manager.</p> <p>Q From your recollection, did she hold the position of director talent management, HR for World Vision?</p> <p>A I believe so, yes.</p> <p>Q Was she your supervisor in January of 2021?</p> <p>A Yes.</p> <p>Q Was she your boss in January of 2021?</p> <p>A Yes.</p> <p>Q On January 5th, 2021 at 3:07 p.m., Melanie Freiberg e-mailed you and asked you to send Aubry an e-mail to connect on the telephone; is that correct?</p> <p>A Yes.</p> <p>Q Do you know why she asked you to do that?</p> <p>A I don't remember exactly.</p> <p>Q Did Melanie Freiberg want to be on a telephone call with Aubry McMahon?</p> <p>MR. WARD: Objection as to form.</p> <p>A Can you ask that again?</p> <p>Q If you know and if you recall, did</p>	<p style="text-align: right;">Page 63</p> <p>C. Miolla</p> <p>Melanie Freiberg want to be on a call with Aubry McMahon?</p> <p>A I think so.</p> <p>Q Do you know why?</p> <p>A I don't remember exactly why.</p> <p>Q Did she ever explain to you why?</p> <p>A I don't remember.</p> <p>Q Ms. Miolla, I'd like to show you what will be -- excuse me, what has been marked as Plaintiff's Exhibit 5. It's a document bearing Bates-stamped number WV 2858. Ms. Miolla, I will represent that this document was exchanged during the discovery phase of litigation in this matter.</p> <p>If you could, please review this document and let me know once you've completed doing so.</p> <p>A (Perusing a document)</p> <p>I've completed review.</p> <p>Q Do you recognize this document?</p> <p>A Yes.</p> <p>Q Have you ever seen it before?</p> <p>A Yes.</p> <p>Q This document appears to be an e-mail sent by you to Melanie Freiberg at 11 o'clock p.m. in which you wrote in the body, "Hi Melanie, Aubry's</p>
<p style="text-align: right;">Page 64</p> <p>C. Miolla</p> <p>phone interview is attached. The standards of conduct section with her responses is the last section. Let me know if you need anything else."</p> <p>Do you see that?</p> <p>A Yes.</p> <p>Q Did you write that?</p> <p>A I believe so.</p> <p>Q Do you have any reason to doubt that this is an e-mail that you sent to Melanie Freiberg on January 5th?</p> <p>A No.</p> <p>Q It appears as though there was an attachment to this e-mail entitled "Aubry Atwood phone screen," and it appears to be a .doc document.</p> <p>Do you see that?</p> <p>A Yes.</p> <p>Q Did you attach that document to this January 5th e-mail?</p> <p>A I believe so, yes.</p> <p>Q Do you have any reason to doubt that you attached that document to this January 5th e-mail?</p> <p>A No.</p> <p>Q Is the attachment to that e-mail the same document I previously showed you, which was marked</p>	<p style="text-align: right;">Page 65</p> <p>C. Miolla</p> <p>Plaintiff's Exhibit Number 6?</p> <p>A I think so.</p> <p>Q Well, was there a separate phone screen document that was in existence aside from the one that I showed you marked Plaintiff's Exhibit 6?</p> <p>A No.</p> <p>Q Why did you attach that document to this e-mail?</p> <p>A I think Melanie asked to see it.</p> <p>Q If you can recall, when did Ms. Freiberg ask you to send it to her?</p> <p>A When?</p> <p>Q Yes, when. As in if you can recall the day, the time, anything else you can recall.</p> <p>A I don't remember.</p> <p>Q If you can, tell me everything you can remember about the communication in which she asked or directed you to send her the phone screen document.</p> <p>A I don't remember any of it.</p> <p>Q Do you recall if it was something that was requested via telephone?</p> <p>A I don't remember.</p> <p>Q Did you ever ask or inquire with Melanie</p>

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<p style="text-align: right;">Page 66</p> <p>1 C. Miolla</p> <p>2 Freiberg, or anyone else for that matter, why she or</p> <p>3 they wanted to see the Aubry McMahon phone screen</p> <p>4 document?</p> <p>5 MR. WARD: Objection as to form.</p> <p>6 You may answer.</p> <p>7 A No, I don't think so.</p> <p>8 Q Now, Ms. Miolla, this is a long question,</p> <p>9 so bear with me.</p> <p>10 From the time you received the</p> <p>11 January 5th, 2021 e-mail from Aubry McMahon through</p> <p>12 January 8th of 2021, approximately how many</p> <p>13 conversations with either Melanie Freiberg, Christine</p> <p>14 Talbot, or both did you have regarding Aubry McMahon</p> <p>15 whether it be over the phone, via video conference,</p> <p>16 in person, or otherwise?</p> <p>17 A I don't remember.</p> <p>18 Q Would you say it was fewer than three?</p> <p>19 A I don't remember.</p> <p>20 Q Would you say it was between four and</p> <p>21 ten?</p> <p>22 A Possibly.</p> <p>23 Q Would you say it was between 11 and 15?</p> <p>24 A I don't think so.</p> <p>25 Q For the ones in which legal counsel was</p>	<p style="text-align: right;">Page 67</p> <p>1 C. Miolla</p> <p>2 not present, tell me everything you can remember</p> <p>3 about those conversations.</p> <p>4 A I don't remember any of the</p> <p>5 conversations.</p> <p>6 Q So the conversations that you had with</p> <p>7 Melanie Freiberg and/or Christine Talbot between</p> <p>8 January 5th of 2021 and January 8th, 2021, your</p> <p>9 testimony here today is that you can't remember</p> <p>10 anything that was discussed in any of those</p> <p>11 conversations regarding Aubry McMahon?</p> <p>12 MR. WARD: Objection as to form.</p> <p>13 A No, I don't remember any specifics.</p> <p>14 Q Well, not about specifics. I'm asking</p> <p>15 you whether you remember anything about those</p> <p>16 conversations.</p> <p>17 MR. WARD: Objection as to form.</p> <p>18 A I don't remember anything other than what</p> <p>19 I've already shared.</p> <p>20 Q From your recollection, how many times</p> <p>21 did the issue of Aubry McMahon potentially being in a</p> <p>22 same-sex marriage come up during those conversations</p> <p>23 with either Melanie Freiberg, Christine Talbot, or</p> <p>24 both from January 5th to January 8th, 2021 in which</p> <p>25 you were either a participant or present?</p>
<p style="text-align: right;">Page 68</p> <p>1 C. Miolla</p> <p>2 MR. WARD: Objection as to form.</p> <p>3 You may answer.</p> <p>4 A I don't remember.</p> <p>5 Q Would you say it was one or more?</p> <p>6 A I don't remember.</p> <p>7 Q Would you say it was more than five?</p> <p>8 A I don't remember.</p> <p>9 Q So as you testify here today, it could</p> <p>10 have been zero; is that fair to say?</p> <p>11 MR. WARD: I'm going to object as to</p> <p>12 form.</p> <p>13 But you may answer.</p> <p>14 A It's possible it was zero. I don't</p> <p>15 remember.</p> <p>16 Q Okay.</p> <p>17 MR. WARD: I'm -- I'm going to want to</p> <p>18 take a break now since there's no question</p> <p>19 pending.</p> <p>20 So should we take about five minutes?</p> <p>21 MR. WOLNOWSKI: Absolutely.</p> <p>22 Is that okay with you, Ms. Miolla?</p> <p>23 THE WITNESS: Yes.</p> <p>24 MR. WOLNOWSKI: All righty. Let's circle</p> <p>25 back at 2:47.</p>	<p style="text-align: right;">Page 69</p> <p>1 C. Miolla</p> <p>2 Does that work for you, Mr. Ward?</p> <p>3 MR. WARD: I think that works.</p> <p>4 Thank you.</p> <p>5 MR. WOLNOWSKI: All right. Thank you.</p> <p>6 (WHEREUPON, a brief recess was taken,</p> <p>7 after which the following transpired:)</p> <p>8 (Time noted: 2:49 p.m.)</p> <p>9 MR. WOLNOWSKI: We're back on the record.</p> <p>10 CONTINUED EXAMINATION BY MR. WOLNOWSKI:</p> <p>11 Q We just took a seven-minute break there.</p> <p>12 During the break, Ms. Miolla, did you</p> <p>13 speak with anybody?</p> <p>14 A No.</p> <p>15 Q What did you do during the break?</p> <p>16 A I went to the bathroom and pet my cat.</p> <p>17 Q What's your cat's name?</p> <p>18 A Muffin.</p> <p>19 Q That's a good name.</p> <p>20 MR. WOLNOWSKI: Could we go off the</p> <p>21 record for a moment?</p> <p>22 (Discussion held off the record)</p> <p>23 MR. WOLNOWSKI: Back on.</p> <p>24 Q Ms. Miolla, from January 5th to</p> <p>25 January 8th of 2021, in your conversations with</p>

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<p style="text-align: right;">Page 70</p> <p>1 C. Miolla</p> <p>2 Melanie Freiberg or Christine Talbot, how many times</p> <p>3 did the issue of Aubry McMahon potentially being gay</p> <p>4 come up during those conversations in which you were</p> <p>5 either a participant or present?</p> <p>6 MR. WARD: I'm going to object to form.</p> <p>7 A I don't remember.</p> <p>8 Q Did it come up at all, from your</p> <p>9 recollection?</p> <p>10 MR. WARD: Same objection.</p> <p>11 A I don't remember.</p> <p>12 Q So it could have come up and you just</p> <p>13 don't remember, instead of definitively saying it</p> <p>14 never came up; is that accurate?</p> <p>15 MR. WARD: Same objection.</p> <p>16 A I'm not sure.</p> <p>17 Q Ms. Miolla, I'd like to show you what has</p> <p>18 been previously marked as Plaintiff's Exhibit</p> <p>19 Number 7. It is a document which bears Bates-stamp</p> <p>20 Number WV 240 to 241.</p> <p>21 If you can, please review this document</p> <p>22 and let me know once you've completed doing so.</p> <p>23 If I haven't mentioned already, I will</p> <p>24 represent that this document was exchanged during the</p> <p>25 discovery phase of litigation in this matter.</p>	<p style="text-align: right;">Page 71</p> <p>1 C. Miolla</p> <p>2 A (Perusing a document)</p> <p>3 I've reviewed the document.</p> <p>4 Q Okay. Ms. Miolla, have you ever seen</p> <p>5 this document before?</p> <p>6 A Not as a document.</p> <p>7 Q If you can, please explain to me how</p> <p>8 you've seen it in non-document form.</p> <p>9 A I think I remember it as like a meeting</p> <p>10 invite.</p> <p>11 Q At some point between January 5th and</p> <p>12 January 8th of 2021, Melanie Freiberg sent an e-mail</p> <p>13 to both you and Christine Talbot to join a</p> <p>14 RingCentral meeting; is that correct?</p> <p>15 MR. WARD: Objection as form.</p> <p>16 You may answer.</p> <p>17 A I think so based on this.</p> <p>18 Q Do you recall receiving that invite?</p> <p>19 A Sort of.</p> <p>20 Q After having seen Plaintiff's Exhibit 7,</p> <p>21 does this refresh your recollection as to whether or</p> <p>22 not you received a RingCentral invite from Melanie</p> <p>23 Freiberg?</p> <p>24 A Yes.</p> <p>25 Q From your recollection, when did you</p>
<p style="text-align: right;">Page 72</p> <p>1 C. Miolla</p> <p>2 receive this RingCentral invite?</p> <p>3 A I don't remember.</p> <p>4 Q Do you recall the date?</p> <p>5 A No, I don't remember.</p> <p>6 Q Do you recall if it was sometime between</p> <p>7 January 5th and January 8th of 2021?</p> <p>8 A I don't remember.</p> <p>9 Q The subject line of the invite which is</p> <p>10 in Plaintiff's Exhibit 7 states, "Dry run,</p> <p>11 Christine/Melanie/Christine"; correct?</p> <p>12 A Yes.</p> <p>13 Q Now, before we get into the meeting</p> <p>14 itself, who is Christine Talbot?</p> <p>15 A Christine Talbot was our senior vice</p> <p>16 president of human resources.</p> <p>17 Q In January of 2021, was Christine Talbot</p> <p>18 your supervisor?</p> <p>19 A No.</p> <p>20 Q Was she your supervisor's supervisor?</p> <p>21 A Yes.</p> <p>22 Q In January of 2021, was Christine Talbot</p> <p>23 your boss?</p> <p>24 A No.</p> <p>25 Q Did you attend the dry run RingCentral</p>	<p style="text-align: right;">Page 73</p> <p>1 C. Miolla</p> <p>2 meeting that is the subject of this invite?</p> <p>3 A I don't remember.</p> <p>4 Q Irrespective of it being a dry run or a</p> <p>5 RingCentral meeting, do you recall having some kind</p> <p>6 of meeting with Melanie Freiberg and Christine Talbot</p> <p>7 in or around early January of 2021 relating -- excuse</p> <p>8 me, in or around January 5th to January 8th of 2021</p> <p>9 relating to Aubry McMahon?</p> <p>10 A I don't remember.</p> <p>11 Q Do you remember any meetings in which a</p> <p>12 dry run of something was discussed?</p> <p>13 A I don't remember.</p> <p>14 Q I'd like to show you a document which is</p> <p>15 marked Plaintiff's Exhibit Number 8. I can represent</p> <p>16 to you, Ms. Miolla, that this document bears</p> <p>17 Bates-stamped Numbers WV 242 to 244, and it is a</p> <p>18 document which was exchanged during the discovery</p> <p>19 phase of this litigation in this case.</p> <p>20 If you could, please review this document</p> <p>21 and let me know once you've completed doing so.</p> <p>22 A (Perusing a document)</p> <p>23 I've reviewed the document.</p> <p>24 Q Do you recognize this document?</p> <p>25 A Sort of.</p>

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<p style="text-align: right;">Page 74</p> <p>C. Miolla</p> <p>Q Have you ever seen it before?</p> <p>A I think so.</p> <p>Q Plaintiff's Exhibit 8 seems to be an e-mail chain involving you, Melanie Freiberg, and Christine Talbot which took place on January 6th, 2021 in the morning.</p> <p>Would you agree?</p> <p>A Yes.</p> <p>Q In these e-mails, Christine Talbot mentions something about reviewing a script.</p> <p>Do you see that?</p> <p>A Yes.</p> <p>Q Do you know to what she was referring in this e-mail relating to a script?</p> <p>A No, I don't remember.</p> <p>Q In this e-mail dated January 6th, 2021 at 8:43 a.m. to you and Ms. Freiberg, Christine Talbot mentions offering to practice with you.</p> <p>Do you see that?</p> <p>A Yes.</p> <p>Q Do you know to what she was referring in this e-mail relating to practicing something with you?</p> <p>A I don't remember.</p>	<p style="text-align: right;">Page 75</p> <p>C. Miolla</p> <p>Q On or about January 6th, 2021 or thereafter, did you ever practice anything with Christine Talbot?</p> <p>A I don't remember.</p> <p>Q Do you recall receiving this e-mail?</p> <p>A I didn't remember until you showed it to me.</p> <p>Q In light of me showing it to you, does it refresh your recollection as to whether or not you received this e-mail?</p> <p>A Yes.</p> <p>Q Do you recall after having reviewed it that you did indeed receive this e-mail on or about 8:43 a.m. in the morning on January 6th, 2021?</p> <p>A Yes, I think so.</p> <p>Q Well, in light of reviewing it now, does it refresh your recollection about you and/or Melanie and Christine Talbot discussing anything involving a script on or about January 6th, 2021?</p> <p>A I don't remember anything other than what's being shown here.</p> <p>Q In rejecting applicants in general in January of 2021, was it common practice that a script would be utilized in informing him or her that an</p>
<p style="text-align: right;">Page 76</p> <p>C. Miolla</p> <p>offer was being rescinded?</p> <p>MR. WARD: Objection as to form.</p> <p>You may answer.</p> <p>A I don't think I've ever been involved in an offer being rescinded other than this time, so I don't know.</p> <p>Q In your experience at World Vision, how many offers have been extended in which you have been a participant in some way, shape, or form?</p> <p>A Offers extended?</p> <p>Q Correct. As in offer were made.</p> <p>A Hundreds.</p> <p>Q When you say "hundreds," that could mean anywhere from 200 to 900.</p> <p>Could you try to be a little more precise; is it between 2- and 400, 400 and 600, 6- to 800, something else?</p> <p>A I'm not sure.</p> <p>Q Was it more -- is it -- has it been more than 200?</p> <p>A Possibly.</p> <p>Q Has it been more than 400?</p> <p>A I'm not sure.</p> <p>Q Has it been more than 600?</p>	<p style="text-align: right;">Page 77</p> <p>C. Miolla</p> <p>A I'm not sure.</p> <p>Q If you can look at the top of the second page, that's page WV 243, Melanie Freiberg e-mailed Christine Talbot, and you were on that e-mail. It's an e-mail dated January 6th, 2021, was sent at 9:46 a.m. Melanie writes -- to the extent you can read -- I know there's a portion that's chopped off -- "Christine, thank you so much for the words of encouragement," and mentions that she would love to take her up on her offer to practices.</p> <p>In reviewing this, does it refresh your recollection as to whether or not either you or Melanie Freiberg practiced anything with Christine Talbot around January 6th or January 7th of 2021?</p> <p>A I don't remember.</p> <p>Q Ms. Miolla, I'd like to show you a document which has been marked Plaintiff's Exhibit 9. I can represent to you that it is a document bearing Bates-stamped Numbers WV 81 to 82. It is a document which has been exchanged during the discovery phase of litigation in this case.</p> <p>If you could, please review this document and let me know once you've completed doing so.</p> <p>A (Perusing a document)</p>

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<p style="text-align: right;">Page 78</p> <p>1 C. Miolla</p> <p>2 I've finished reviewing.</p> <p>3 Q Ms. Miolla, do you recognize the document</p> <p>4 that I have shown you which has been marked</p> <p>5 Plaintiff's Exhibit 9?</p> <p>6 A Yes.</p> <p>7 Q Have you ever seen it before?</p> <p>8 A Yes.</p> <p>9 Q This document appears to be an e-mail</p> <p>10 chain between you and Aubry McMahon beginning</p> <p>11 January 5th of 2021 and ending January 8th, 2021.</p> <p>12 Would you agree?</p> <p>13 A Yes.</p> <p>14 Q And is it correct that the latest e-mail</p> <p>15 appears at the end of the second page, and the most</p> <p>16 recent e-mail appears at the top of the first page?</p> <p>17 A Yeah, that looks to be correct.</p> <p>18 Q I'd like to direct your attention to the</p> <p>19 middle section of the second page, that page being</p> <p>20 marked WV 82. It is an e-mail which you sent to</p> <p>21 Ms. McMahon on January 5th, 2021 at 4:59 p.m., and it</p> <p>22 reads, "Hi Aubry, thank you for your e-mail and</p> <p>23 questions. Do you have time tomorrow afternoon to</p> <p>24 discuss by phone? I have a few interviews scheduled,</p> <p>25 but could give you a call around 4:00 p.m. EST if</p>	<p style="text-align: right;">Page 79</p> <p>1 C. Miolla</p> <p>2 that would work for you? Thanks, Catherine."</p> <p>3 Did you indeed send that e-mail to</p> <p>4 Ms. McMahon?</p> <p>5 A Yes.</p> <p>6 Q Why did you send her that e-mail?</p> <p>7 A I believe I was given guidance to talk</p> <p>8 with her on the phone about her questions.</p> <p>9 Q Who gave you that guidance?</p> <p>10 A I don't remember exactly. I think it may</p> <p>11 have been Melanie and our legal team.</p> <p>12 Q And what kind of guidance was Melanie</p> <p>13 asking you to get from Aubry McMahon?</p> <p>14 MR. WARD: I'm going to object to the</p> <p>15 question to the extent that it calls for any</p> <p>16 attorney/client privileged information and</p> <p>17 instruct the witness not to answer as to any</p> <p>18 communications that either involved counsel or</p> <p>19 involved counsel's legal advice.</p> <p>20 To the extent there's anything remaining</p> <p>21 after that, you may answer.</p> <p>22 MR. WOLNOWSKI: Well, the question</p> <p>23 involved Melanie Freiberg.</p> <p>24 MR. WARD: Yes. But the witness just</p> <p>25 testified that some of the conversation</p>
<p style="text-align: right;">Page 80</p> <p>1 C. Miolla</p> <p>2 involved a counselor -- that they sought</p> <p>3 guidance from counsel. So it's quite possible</p> <p>4 that Ms. Freiberg's advice includes or</p> <p>5 incorporates advice of counsel.</p> <p>6 It's an appropriate objection and an</p> <p>7 appropriate instruction.</p> <p>8 MR. WOLNOWSKI: And if she understands</p> <p>9 the question, she can answer.</p> <p>10 MR. WARD: To the --</p> <p>11 Q You understand the question, Ms. --</p> <p>12 MR. WARD: To the --</p> <p>13 Q -- Miolla?</p> <p>14 MR. WOLNOWSKI: You've made your</p> <p>15 objection.</p> <p>16 Thank you.</p> <p>17 MR. WARD: To the extent it does not call</p> <p>18 for privileged information. So when you say</p> <p>19 she may answer, you have to include that,</p> <p>20 Counsel. You understand that as well as I do.</p> <p>21 MR. WOLNOWSKI: You've made your</p> <p>22 objection.</p> <p>23 Q In light of the question and counselor's</p> <p>24 objection, you can answer, Ms. Miolla.</p> <p>25 MR. WARD: To the extent that it does not</p>	<p style="text-align: right;">Page 81</p> <p>1 C. Miolla</p> <p>2 involve privileged information.</p> <p>3 MR. WOLNOWSKI: You've made your</p> <p>4 objection multiple times.</p> <p>5 Thank you, Mr. Ward.</p> <p>6 MR. WARD: Mr. Wolnowski, then give your</p> <p>7 question accurately. You've done that before.</p> <p>8 Do the question correctly.</p> <p>9 Q Ms. Miolla, please answer in light of the</p> <p>10 question and the objection posed.</p> <p>11 A I don't even remember the question.</p> <p>12 Can you please repeat?</p> <p>13 MR. WOLNOWSKI: Ms. Ratigan, could you</p> <p>14 please repeat the question?</p> <p>15 (WHEREUPON, the previous question was</p> <p>16 read by the court reporter.)</p> <p>17 MR. WARD: Same objections.</p> <p>18 A I don't remember any guidance that was</p> <p>19 just from Melanie.</p> <p>20 Q When you say "that was just from</p> <p>21 Melanie," could you please explain what "that" is in</p> <p>22 that sentence?</p> <p>23 MR. WARD: Same objection as to</p> <p>24 privilege.</p> <p>25 A Guidance.</p>

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<p style="text-align: right;">Page 82</p> <p>C. Miolla</p> <p>Q So as you sit here today, you don't know what kind of guidance you were seeking to get from Aubry; is that correct?</p> <p>MR. WARD: I'm going to object as to form.</p> <p>A Can you ask your question again?</p> <p>MR. WOLNOWSKI: Could you please read it back, Teri?</p> <p>(WHEREUPON, the previous question was read by the court reporter.)</p> <p>MR. WARD: Yes, objection as to form.</p> <p>A Can you rephrase your question? I don't understand it.</p> <p>Q So if I'm understanding this, Melanie asked you to get guidance from Aubry; is that correct?</p> <p>A No.</p> <p>Q So what did Melanie tell you to do?</p> <p>MR. WARD: And I'm going to repeat the attorney/client privilege objection.</p> <p>You may answer to the extent it doesn't involve attorney/client information.</p> <p>A I don't have any information that doesn't involve attorney/client privilege information.</p>	<p style="text-align: right;">Page 83</p> <p>C. Miolla</p> <p>Q On January 6th at 7:14 p.m., you then e-mailed Ms. McMahon and wrote, "Hi Aubry, I don't believe I've heard back from you, so just wanted to check in again and see if you would be available for a call soon to discuss? Thank you."</p> <p>Did you send that e-mail?</p> <p>A Yes.</p> <p>Q And in response, Ms. McMahon wrote, "Hey there, so sorry, I've been crazy busy with my sister getting married. That sounds great. I can talk on Friday at any point if you're available."</p> <p>She send you that e-mail?</p> <p>MR. WARD: Objection as to form.</p> <p>You may answer.</p> <p>Q Did she send you that e-mail, Ms. Miolla?</p> <p>A I believe so, yes.</p> <p>Q Do you have any reason to doubt that Aubry McMahon sent you that e-mail which appears on the bottom of the first page on January 6th, 2021 at 5:40 p.m.?</p> <p>A No.</p> <p>Q And in response, on January 7th of 2021 at 8:54 a.m., you wrote, "No problem, Aubry. How about Friday at 1:00 p.m. EST? If that works for</p>
<p style="text-align: right;">Page 84</p> <p>C. Miolla</p> <p>you, I will give you a call at that time. Thank you, Catherine."</p> <p>Did you send Aubry McMahon that e-mail?</p> <p>A Yes.</p> <p>Q On January 8th of 2021 at 10:59 a.m., did you send Aubry McMahon an e-mail which read, "Hi Aubry, just wanted to check and make sure that 1:00 p.m. EST works for me to give you a call today? If I don't hear from you, I'll try calling at that time. Thank you, Catherine."</p> <p>Did you send that e-mail?</p> <p>A Yes.</p> <p>Q And in response, on Friday, January 8th, 2021 at 9:01 a.m., Aubry McMahon wrote to you, "That sounds great, thanks so much."</p> <p>Is that correct?</p> <p>A Yes.</p> <p>Q After this e-mail from Aubry to you on January 8th, 2021 at 9:01 a.m., did the two of you connect via telephone at 1 o'clock p.m. EST that day?</p> <p>A No.</p> <p>Q Did you try to call Aubry McMahon at 1 o'clock p.m. EST?</p> <p>A Yes.</p>	<p style="text-align: right;">Page 85</p> <p>C. Miolla</p> <p>Q And when you made that phone call, please tell me what, if anything, you can remember about that phone call.</p> <p>A I think I just remember her not answering the call.</p> <p>Q Ms. Miolla, at 2 o'clock, you sent an e-mail to Aubry McMahon which stated, "Aubry, since our communication on Tuesday, I've tried several times to get in touch with you to discuss a discrepancy in your interview responses. Since I have not heard back from you to resolve the discrepancy, I am rescinding the job offer that was extended to you on Monday, January 4th. I wish you all the best in your future endeavors. Catherine."</p> <p>Did you send that?</p> <p>A Yes.</p> <p>Q Ms. Miolla, was it urgent that you speak with Aubry McMahon in light of her January 5th, 2021 e-mail inquiring about potential time off which appears at the bottom e-mail on page WV 82?</p> <p>A Was it urgent?</p> <p>Q Yes.</p> <p>A I don't know.</p> <p>Q Well, at any point in this e-mail chain,</p>

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<p style="text-align: right;">Page 86</p> <p>1 C. Miolla</p> <p>2 did you inform Ms. McMahon that it was urgent that</p> <p>3 you and her speak on the telephone?</p> <p>4 A It doesn't appear that I wrote the word</p> <p>5 "urgent" in these e-mails.</p> <p>6 Q Did you ever express a sense of urgency,</p> <p>7 in your opinion?</p> <p>8 MR. WARD: Objection as to form.</p> <p>9 You may answer.</p> <p>10 A I -- from these e-mails, it looks like I</p> <p>11 was trying to contact her fairly quickly.</p> <p>12 Q So is that a yes?</p> <p>13 A What was the original question?</p> <p>14 MR. WOLNOWSKI: Could you read back the</p> <p>15 original question, Ms. Ratigan?</p> <p>16 (WHEREUPON, the previous question was</p> <p>17 read by the court reporter.)</p> <p>18 MR. WARD: Same objection.</p> <p>19 A I don't know.</p> <p>20 Q Did you ever tell Ms. McMahon via any</p> <p>21 other form of communication other than e-mail that it</p> <p>22 was urgent that you and her speak regarding her</p> <p>23 January 5th, 2021 e-mail to you?</p> <p>24 A No.</p> <p>25 Q In your opinion, as you read this e-mail</p>	<p style="text-align: right;">Page 87</p> <p>1 C. Miolla</p> <p>2 chain, is it fair to say that Aubry McMahon would</p> <p>3 have no reason to believe that the two of you</p> <p>4 speaking was urgent given what's written?</p> <p>5 MR. WARD: I object as to form and calls</p> <p>6 for speculation.</p> <p>7 You may answer.</p> <p>8 A I think it's clear that we -- I was</p> <p>9 trying to reach her multiple times.</p> <p>10 Q But is it clear from these e-mails that</p> <p>11 it's urgent that you and her speak?</p> <p>12 A I don't know.</p> <p>13 Q Well, to be clear, wasn't the job in</p> <p>14 question for which she had been offered employment</p> <p>15 commencing February 1st, 2021; nearly a month in the</p> <p>16 future?</p> <p>17 A Yes.</p> <p>18 Q And, in fact, didn't Ms. McMahon advise</p> <p>19 you that she was, in her words, "crazy busy" with her</p> <p>20 sister getting married?</p> <p>21 A That's written here, yes.</p> <p>22 Q So is it fair to say that Ms. McMahon</p> <p>23 notified you around this time that she was busy?</p> <p>24 MR. WARD: Objection as to form.</p> <p>25 You may answer.</p>
<p style="text-align: right;">Page 88</p> <p>1 C. Miolla</p> <p>2 A She indicates here that she's busy.</p> <p>3 Q Did you understand that Ms. McMahon was</p> <p>4 busy upon reading these e-mails in or around</p> <p>5 January 7th, 2021?</p> <p>6 A I understand that she said she was busy</p> <p>7 in her e-mail on the 6th.</p> <p>8 Q Did you believe her?</p> <p>9 A I think so.</p> <p>10 Q Let me ask you a different question.</p> <p>11 Did you have any reason to disbelieve</p> <p>12 her?</p> <p>13 A I don't think so.</p> <p>14 Q I'd like to direct your attention to the</p> <p>15 top e-mail on the first page of the document marked</p> <p>16 WV 81.</p> <p>17 What was the discrepancy you referenced</p> <p>18 in that e-mail?</p> <p>19 A I don't remember.</p> <p>20 Q Well, let's look at the first e-mail</p> <p>21 then. It's on the bottom of the second page, the one</p> <p>22 marked WV 82.</p> <p>23 In reviewing this first e-mail which</p> <p>24 Aubry McMahon sent to you on January 5th, 2021, does</p> <p>25 it refresh your recollection as to what that</p>	<p style="text-align: right;">Page 89</p> <p>1 C. Miolla</p> <p>2 discrepancy may have been?</p> <p>3 A I'm not sure.</p> <p>4 Q Was the discrepancy involving something</p> <p>5 involving the standards of conduct?</p> <p>6 A I believe so.</p> <p>7 Q In reviewing this January 5th e-mail from</p> <p>8 Aubry McMahon to you, was the discrepancy -- does it</p> <p>9 refresh your recollection as to whether the</p> <p>10 discrepancy was the fact that Aubry McMahon was</p> <p>11 having a baby?</p> <p>12 A Can you ask that again?</p> <p>13 Q Sure.</p> <p>14 In reviewing this e-mail, does it refresh</p> <p>15 your recollection that the discrepancy regarding the</p> <p>16 standards of conduct was that Aubry McMahon was</p> <p>17 having a baby?</p> <p>18 A No, I don't think so.</p> <p>19 Q In reviewing this e-mail, does it refresh</p> <p>20 your recollection as to whether or not the</p> <p>21 discrepancy at issue was her needing time off?</p> <p>22 A No, I don't think so.</p> <p>23 Q In reviewing this e-mail from</p> <p>24 January 5th, does it refresh your recollection as to</p> <p>25 the discrepancy as to the standards of conduct, her</p>



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<p style="text-align: right;">Page 90</p> <p>1 C. Miolla</p> <p>2 disclosing that she was in a same-sex marriage?</p> <p>3 A I believe it was related to the standards</p> <p>4 of conduct, yes.</p> <p>5 Q When you say "it was related to the</p> <p>6 standards of conduct," do you mean her being in a</p> <p>7 same-sex marriage?</p> <p>8 A I mean the potential discrepancy.</p> <p>9 Q So is that a yes?</p> <p>10 A Can you ask your original question?</p> <p>11 Q Sure.</p> <p>12 In reviewing this e-mail, does it refresh</p> <p>13 your recollection as to whether the discrepancy with</p> <p>14 respect to standards of conduct related to</p> <p>15 Ms. McMahon disclosing that she was in a same-sex</p> <p>16 marriage?</p> <p>17 MR. WARD: Objection as to form.</p> <p>18 You may answer.</p> <p>19 A I don't think I fully understand the</p> <p>20 question.</p> <p>21 Q Okay. So you e-mailed Ms. McMahon about</p> <p>22 a discrepancy in her -- about a discrepancy that you</p> <p>23 wanted to discuss; correct?</p> <p>24 A Yes.</p> <p>25 Q And you previously testified that you</p>	<p style="text-align: right;">Page 91</p> <p>1 C. Miolla</p> <p>2 don't recall what that discrepancy was; is that</p> <p>3 accurate?</p> <p>4 A Yes.</p> <p>5 Q Now I'm asking you to review this e-mail</p> <p>6 and see if it refreshes your recollection. I've</p> <p>7 asked you a couple things about whether or not the</p> <p>8 discrepancy involved certain things that Ms. McMahon</p> <p>9 disclosed in this January 5 e-mail. That's not a</p> <p>10 question, but that's what I'm saying.</p> <p>11 Now I'm asking you, is that -- if</p> <p>12 reviewing this and in reviewing this, the fact that</p> <p>13 she disclosed being in a same-sex marriage, was that</p> <p>14 the discrepancy that needed to be discussed?</p> <p>15 MR. WARD: Same objection as before.</p> <p>16 You may answer.</p> <p>17 A I just remember receiving guidance about</p> <p>18 discussing if her answers to the standards of conduct</p> <p>19 were accurate.</p> <p>20 Q And if you can recall specifically, what</p> <p>21 questions needed to be discussed? If you'd like, you</p> <p>22 can look at the document if it's going to help you</p> <p>23 answer the question.</p> <p>24 A And which document are you referring to?</p> <p>25 Q It was the first document I showed you</p>
<p style="text-align: right;">Page 92</p> <p>1 C. Miolla</p> <p>2 marked Plaintiff's Exhibit 6.</p> <p>3 A And your question again?</p> <p>4 Q My question is, what was the discrepancy</p> <p>5 that needed to be addressed with Aubry McMahon based</p> <p>6 upon your having reviewed this January 5th e-mail and</p> <p>7 allowing it to refresh your recollection?</p> <p>8 A I just remember that we were wanting to</p> <p>9 contact her to find out if she was indeed in</p> <p>10 alignment with our standards of conduct.</p> <p>11 Q And specifically what portion or portions</p> <p>12 of the standards of conduct were you seeking to</p> <p>13 clarify that she was in alignment?</p> <p>14 A I think primarily the line that reads any</p> <p>15 sexual conduct outside of a marriage; World Vision</p> <p>16 defines marriage as between a man and woman.</p> <p>17 Q And was that sought to be clarified</p> <p>18 because Ms. McMahon had disclosed she was in a</p> <p>19 same-sex marriage?</p> <p>20 MR. WARD: Objection as to form.</p> <p>21 You may answer.</p> <p>22 A I believe her e-mail was why we wanted to</p> <p>23 talk with her again about the standards of conduct.</p> <p>24 Q And what about that e-mail prompted you</p> <p>25 to want to have that conversation with her?</p>	<p style="text-align: right;">Page 93</p> <p>1 C. Miolla</p> <p>2 A Her question about the -- her having a</p> <p>3 wife and expecting their first baby, her question in</p> <p>4 that first -- second sentence.</p> <p>5 Q Now, in reviewing this e-mail dated</p> <p>6 January 5th, 2021, does it refresh your recollection</p> <p>7 as to whether one of the discrepancies that you</p> <p>8 wanted to discuss with her was the fact that she</p> <p>9 disclosed in this e-mail to you that she was gay?</p> <p>10 MR. WARD: Objection as to form.</p> <p>11 You may answer.</p> <p>12 A We wanted to discuss that portion of the</p> <p>13 standards of conduct again.</p> <p>14 Q As it relates to Aubry McMahon</p> <p>15 potentially being gay?</p> <p>16 MR. WARD: Same objection as to form.</p> <p>17 A As it relates to her being able to comply</p> <p>18 with the standards of conduct.</p> <p>19 Q And is that with respect to her being</p> <p>20 gay?</p> <p>21 MR. WARD: Objection as to form.</p> <p>22 A We don't ask that question. We just ask</p> <p>23 the standards of conduct and ask if they can comply.</p> <p>24 Q Did the fact of Aubry McMahon disclosing</p> <p>25 to you that she was gay have any impact on whether</p>

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<p style="text-align: right;">Page 94</p> <p>1 C. Miolla</p> <p>2 you wanted to discuss with her discrepancies -- or</p> <p>3 potential discrepancies in her responses during her</p> <p>4 phone screening?</p> <p>5 MR. WARD: Objection as to form.</p> <p>6 You may answer.</p> <p>7 A Well, at that point, I was following</p> <p>8 our -- guidance from my leadership and legal counsel.</p> <p>9 Q I'm not sure that answers the question.</p> <p>10 I think you -- you froze there for a moment.</p> <p>11 A Can you ask your question again?</p> <p>12 MR. WOLNOWSKI: Ms. Ratigan, could you</p> <p>13 please read my question back?</p> <p>14 (WHEREUPON, the previous question was</p> <p>15 read by the court reporter.)</p> <p>16 MR. WARD: Same objection.</p> <p>17 A At that point, I didn't feel like I was</p> <p>18 making that call. I was following guidance from my</p> <p>19 leadership and legal counsel.</p> <p>20 Q So the guidance that was expressed to</p> <p>21 you, right -- and I don't want to know about what was</p> <p>22 discussed with legal counsel, but from nonlegal</p> <p>23 counsel, the guidance that was expressed to you, what</p> <p>24 was discussed with you?</p> <p>25 MR. WARD: I'm going to object on the</p>	<p style="text-align: right;">Page 95</p> <p>1 C. Miolla</p> <p>2 grounds of privilege and on the grounds that</p> <p>3 legal counsel's guidance may be incorporated</p> <p>4 in other conversations.</p> <p>5 I'll instruct the witness not to answer</p> <p>6 as to any guidance that came from legal</p> <p>7 counsel directly or indirectly.</p> <p>8 A I believe all guidance involved legal</p> <p>9 counsel.</p> <p>10 Q Well, if you can, without telling me what</p> <p>11 was discussed, please tell me with whom you discussed</p> <p>12 it.</p> <p>13 MR. WARD: Objection as to form.</p> <p>14 You may answer.</p> <p>15 A Sorry, can you repeat your question? I</p> <p>16 think my Internet froze.</p> <p>17 Q Sure.</p> <p>18 MR. WOLNOWSKI: Ms. Ratigan, could you</p> <p>19 please read it back?</p> <p>20 (WHEREUPON, the previous question was</p> <p>21 read by the court reporter.)</p> <p>22 A So you'd like names?</p> <p>23 Q Yes, please.</p> <p>24 A I remember Melanie Freiberg, Steve</p> <p>25 McFarland, and I believe Jean Thompson.</p>
<p style="text-align: right;">Page 96</p> <p>1 C. Miolla</p> <p>2 Q And if you can tell me, who -- what role</p> <p>3 did Jean Thompson have in January of 2021, if you</p> <p>4 remember?</p> <p>5 A I don't know.</p> <p>6 Q Was he an attorney?</p> <p>7 A She's on our legal team.</p> <p>8 Q Okay.</p> <p>9 A Or maybe it was just Steve. I don't</p> <p>10 remember at that point.</p> <p>11 Q Ms. Miolla, to the extent you know, what</p> <p>12 was the reason or reasons why the job offer extended</p> <p>13 to Aubry McMahon was rescinded?</p> <p>14 A I believe it was because she wasn't in</p> <p>15 compliance with our standards of conduct.</p> <p>16 Q Was that the only reason?</p> <p>17 A That's my understanding.</p> <p>18 Q And if you could, please explain to me</p> <p>19 what portion of the standards of conduct she was not</p> <p>20 in compliance which formed the basis for the</p> <p>21 rescission.</p> <p>22 A I believe it was the line we've looked at</p> <p>23 previously, which is any sexual conduct outside of a</p> <p>24 marriage, with World Vision defines a marriage</p> <p>25 between a man and a woman.</p>	<p style="text-align: right;">Page 97</p> <p>1 C. Miolla</p> <p>2 Q And again, I don't want to know what</p> <p>3 legal counsel told you, but who communicated to you</p> <p>4 that this was the reason, as -- as you have described</p> <p>5 it?</p> <p>6 MR. WARD: I'm going to object as to</p> <p>7 privilege.</p> <p>8 But you can answer to the extent it</p> <p>9 doesn't involve privilege.</p> <p>10 A I don't remember who exactly from legal</p> <p>11 it was.</p> <p>12 Q Okay. But somebody in -- question</p> <p>13 withdrawn.</p> <p>14 And just to be clear, to your knowledge,</p> <p>15 the only reason that the offer of employment made to</p> <p>16 Aubry McMahon was rescinded was because it was</p> <p>17 concluded that she was not in compliance with World</p> <p>18 Vision's standards of conduct; is that correct?</p> <p>19 A I believe so, yes.</p> <p>20 Q From your knowledge, did it have anything</p> <p>21 to do with the expediency or lack thereof in</p> <p>22 communicating with you via e-mail on January --</p> <p>23 between January 5th and January 8th?</p> <p>24 MR. WARD: Objection as to form.</p> <p>25 You may answer.</p>

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<p style="text-align: right;">Page 98</p> <p>C. Miolla</p> <p>A I don't believe so.</p> <p>Q What role, if any, did you personally play in the final determination to rescind the job offer made to Aubry McMahon?</p> <p>A I wasn't personally involved in the decision.</p> <p>Q To the extent you know, who made the final decision to rescind the job offer made to Aubry McMahon to work at World Vision Incorporated?</p> <p>A I'm not sure who exactly from our HR, leadership, and legal team.</p> <p>Q Was it Melanie Freiberg?</p> <p>A I don't know.</p> <p>Q Was it Christine Talbot?</p> <p>A I don't know.</p> <p>Q Now, after you sent the e-mail to Aubry McMahon on January 8th, which appears at the top of page WV 81, did you have occasion to be on a telephone call with Aubry McMahon?</p> <p>A Sorry, can you rephrase that?</p> <p>Q Sure.</p> <p>Now, after this e-mail that you sent to Aubry McMahon on January 8th of 2021, the one at the top of page WV 81, did you have occasion to be on a</p>	<p style="text-align: right;">Page 99</p> <p>C. Miolla</p> <p>telephone call with Aubry McMahon; in other words, did you speak with Aubry McMahon on a telephone call after this?</p> <p>A Yes.</p> <p>Q If you can, please tell me everything you can remember about that telephone call.</p> <p>A I remember Melanie Freiberg and I both being on call with Aubry, and Melanie doing most of the talking. I -- I think I introduced Melanie, and then she and -- Melanie and Aubry talked from then on.</p> <p>Q Who initiated the call?</p> <p>A Can you define what you mean by "initiated"?</p> <p>MR. WARD: I'm sorry, let me just flag. The witness was breaking up on me. I don't know if it was breaking up on everyone else.</p> <p>MR. WOLNOWSKI: Okay. So let's just start afresh here. I'll repeat the question.</p> <p>Q If you can remember, who initiated that call?</p> <p>A I was just asking if you could define what you meant by "initiate."</p>
<p style="text-align: right;">Page 100</p> <p>C. Miolla</p> <p>Q Sure.</p> <p>Let's start with the fact -- as to whether or not it was a telephone call.</p> <p>Was it a telephone call in which you, Ms. Freiberg, and Aubry participated, or was it --</p> <p>A Yes.</p> <p>Q -- something else, perhaps a video conference, a Zoom call, a Morse code communication?</p> <p>MR. WARD: You forgot some before.</p> <p>A It was a telephone call.</p> <p>Q Do you remember the person who -- well, question withdrawn.</p> <p>I'll ask, did you or Melanie call Aubry, or did Aubry call either one of you to initiate the call?</p> <p>A I believe after this e-mail, Aubry placed a call to me that I missed, and then Melanie and I called her back.</p> <p>Q And when you and Melanie spoke with Aubry McMahon, was it just one telephone call or was it multiple telephone calls?</p> <p>A I believe it was just one.</p> <p>Q Do you recall when that phone call was made, as in what time of day?</p>	<p style="text-align: right;">Page 101</p> <p>C. Miolla</p> <p>A About -- I just believe it was sometime that Friday afternoon after this e-mail.</p> <p>Q To the extent you know, who were all the participants on that call?</p> <p>A To the extent I know, it was myself, Melanie, and Aubry.</p> <p>Q How long did that telephone call last?</p> <p>A I think less than ten minutes.</p> <p>Q Would you say it was less than five minutes?</p> <p>A I don't remember.</p> <p>Q Would you say it was less than two minutes?</p> <p>A I don't remember.</p> <p>Q Would you say it was more than one minute?</p> <p>A I think so.</p> <p>Q Okay. So is it fair to say that you think it was between one and ten minutes?</p> <p>A Yes.</p> <p>Q If you can, please tell me everything that you can remember that was said in that phone call.</p> <p>A I remember that I started the call and</p>

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<p style="text-align: right;">Page 102</p> <p>1 C. Miolla</p> <p>2 introduced Melanie, and then Melanie and Aubry talked</p> <p>3 from there.</p> <p>4 Q Okay. And please tell me everything that</p> <p>5 was discussed between Melanie and Aubry, to the</p> <p>6 extent you remember.</p> <p>7 A I don't remember the extent of their</p> <p>8 conversation.</p> <p>9 Q Ms. Miolla, I'd like to share with you</p> <p>10 what has been marked as Plaintiff's Exhibit 10. It</p> <p>11 is an audio file. It is in MP3 format. It is an</p> <p>12 item which was exchanged during the discovery phase</p> <p>13 of litigation in this case.</p> <p>14 If you could, please listen to it on your</p> <p>15 own and let me know once you've completed doing so.</p> <p>16 It's approximately 35 seconds long.</p> <p>17 MR. WOLNOWSKI: Going off the record.</p> <p>18 (Discussion held off the record)</p> <p>19 A I've listened to the recording.</p> <p>20 Q One moment.</p> <p>21 Ms. Miolla, do you recognize this audio</p> <p>22 file?</p> <p>23 A Sort of.</p> <p>24 Q Have you ever listened to it before?</p> <p>25 A Not the audio file. I was on the phone</p>	<p style="text-align: right;">Page 103</p> <p>1 C. Miolla</p> <p>2 call.</p> <p>3 Q Now that you've listened to it, do you</p> <p>4 recall the conversation which occurred on</p> <p>5 January 8th, 2021 in which you were a participant</p> <p>6 with Ms. McMahon and Ms. Freiberg?</p> <p>7 A I recall that happened, yes.</p> <p>8 Q In light of having listened to this, does</p> <p>9 it refresh your recollection about the -- anything</p> <p>10 that was said during that telephone call?</p> <p>11 A I remember that section being part of the</p> <p>12 phone call, but I don't remember specifics around</p> <p>13 what else was said.</p> <p>14 Q After having listen to that audio</p> <p>15 recording, to your knowledge, is that Aubry McMahon</p> <p>16 and Melanie Freiberg as the two people speaking on</p> <p>17 the audio?</p> <p>18 A To my knowledge, yes.</p> <p>19 Q Would you agree that Melanie Freiberg</p> <p>20 states in this audio recording, "Well, it's because,</p> <p>21 um, the standards of conduct, yeah, are to, um, not</p> <p>22 have any sexual conduct outside of marriage, and</p> <p>23 marriage is defined as being between a man and a</p> <p>24 woman, so that's the behavior that all employees have</p> <p>25 to comply with"?</p>
<p style="text-align: right;">Page 104</p> <p>1 C. Miolla</p> <p>2 A I believe so, yes.</p> <p>3 Q Do you know what standard of conduct</p> <p>4 Melanie Freiberg was referring to in this audio?</p> <p>5 A I believe it was the one she read after</p> <p>6 that.</p> <p>7 Q Ms. Miolla, based upon your listening to</p> <p>8 this audio, was the reason the offer of employment</p> <p>9 made by World Vision to Aubry McMahon rescinded</p> <p>10 because she was in a same-sex marriage?</p> <p>11 MR. WARD: Objection as to form.</p> <p>12 You may answer.</p> <p>13 A I believe it was, as Melanie said, that</p> <p>14 she wasn't in alignment with the standards of</p> <p>15 conduct.</p> <p>16 Q And to your knowledge, was this standard</p> <p>17 of conduct she was referencing one that prohibited</p> <p>18 World Vision Incorporated employees from being in a</p> <p>19 same-sex marriage?</p> <p>20 MR. WARD: Objection as to form.</p> <p>21 You may answer.</p> <p>22 A I'm not sure.</p> <p>23 Q So as you sit here today, you don't know</p> <p>24 whether or not World Vision Incorporated prohibits</p> <p>25 employees from being in same-sex marriages --</p>	<p style="text-align: right;">Page 105</p> <p>1 C. Miolla</p> <p>2 MR. WARD: Objection --</p> <p>3 Q -- in order to continue their employment</p> <p>4 with World Vision?</p> <p>5 MR. WARD: Objection as to form.</p> <p>6 You may answer.</p> <p>7 A Well, my part of the role is to read the</p> <p>8 standards of conduct and ask whether or not they</p> <p>9 agree with it. So beyond that, it's up to the</p> <p>10 candidate.</p> <p>11 Q I don't think that answers my question.</p> <p>12 I -- I'm not asking what your role was. I'm asking</p> <p>13 if you know something.</p> <p>14 MR. WOLNOWSKI: Ms. Ratigan, could you</p> <p>15 please read the question back?</p> <p>16 (WHEREUPON, the previous question was</p> <p>17 read by the court reporter.)</p> <p>18 A We ask employees to comply with what's</p> <p>19 written in the standards of conduct.</p> <p>20 Q I'm not sure that answers the question.</p> <p>21 I'm not asking a question about what you ask</p> <p>22 potential employees or employees to do.</p> <p>23 MR. WOLNOWSKI: Ms. Ratigan, could you</p> <p>24 please read back the question?</p> <p>25 (WHEREUPON, the previous question was</p>

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<p style="text-align: right;">Page 106</p> <p>1 C. Miolla</p> <p>2 read by the court reporter.)</p> <p>3 MR. WARD: So I'm going to object as to</p> <p>4 form and object as asked and answered.</p> <p>5 THE WITNESS: So I answer?</p> <p>6 MR. WARD: To the extent you can.</p> <p>7 A I don't know.</p> <p>8 Q Okay. In light of listening to this</p> <p>9 audio recording, was the employment offer made to</p> <p>10 Aubry McMahon by World Vision rescinded because she</p> <p>11 was gay?</p> <p>12 MR. WARD: Objection as to form.</p> <p>13 You may answer.</p> <p>14 A No.</p> <p>15 Q So was it because Aubry McMahon was in</p> <p>16 violation of World Vision Incorporated's standards of</p> <p>17 conduct for employees as they related to her being in</p> <p>18 a same-sex marriage that this disqualified her from</p> <p>19 working for World Vision Incorporated?</p> <p>20 MR. WARD: Objection as to form.</p> <p>21 A I believe she -- her offer was rescinded</p> <p>22 because our leadership team and legal determined she</p> <p>23 was not in compliance with the standards of conduct.</p> <p>24 Q To your knowledge, if Aubry McMahon had</p> <p>25 been a man married to a woman, would she have been in</p>	<p style="text-align: right;">Page 107</p> <p>1 C. Miolla</p> <p>2 violation of World Vision Incorporated's standards</p> <p>3 of -- standards of conduct for employees?</p> <p>4 MR. WARD: Objection as to form, it calls</p> <p>5 for speculation.</p> <p>6 A I don't know.</p> <p>7 Q So you don't know whether or not a man</p> <p>8 who's married to a woman would violate the standards</p> <p>9 of conduct for World Vision?</p> <p>10 A Well, I would read the standards of</p> <p>11 conduct and ask them if they could comply.</p> <p>12 Q I'm not sure that answers the question</p> <p>13 about what -- I'm not asking what you would ask an</p> <p>14 employee.</p> <p>15 MR. WOLNOWSKI: Ms. Ratigan, could you</p> <p>16 read back the question?</p> <p>17 (WHEREUPON, the previous question was</p> <p>18 read by the court reporter.)</p> <p>19 A I don't know whether or not someone can</p> <p>20 comply with the standards of conduct. I ask them</p> <p>21 that.</p> <p>22 Q Again, I'm not sure that answers the</p> <p>23 question.</p> <p>24 MR. WOLNOWSKI: If you could, please read</p> <p>25 the question back, Ms. Ratigan.</p>
<p style="text-align: right;">Page 108</p> <p>1 C. Miolla</p> <p>2 It's actually a very straightforward</p> <p>3 question.</p> <p>4 A I don't think I'm understanding the</p> <p>5 question.</p> <p>6 Q If a man discloses that he's married to a</p> <p>7 woman and is seeking employment with World Vision,</p> <p>8 would that disqualify him for employment with World</p> <p>9 Vision?</p> <p>10 MR. WARD: Then I'll repeat the same two</p> <p>11 objections.</p> <p>12 A I don't believe someone sharing just that</p> <p>13 fact would disqualify them unless they said they</p> <p>14 didn't comply with the standards of conduct.</p> <p>15 Q To your knowledge, if Aubry McMahon had</p> <p>16 been a man and married to a woman and stated that she</p> <p>17 complied with World Vision's standards of conduct,</p> <p>18 would the offer of employment extended to her on</p> <p>19 January 5th been rescinded by World Vision?</p> <p>20 MR. WARD: Objection as to form and</p> <p>21 calling for speculation.</p> <p>22 You may answer.</p> <p>23 A Sorry, I think you cut out.</p> <p>24 Can you ask that again?</p> <p>25 MR. WOLNOWSKI: Can you please read that</p>	<p style="text-align: right;">Page 109</p> <p>1 C. Miolla</p> <p>2 back, Ms. Ratigan?</p> <p>3 (WHEREUPON, the previous question was</p> <p>4 read by the court reporter.)</p> <p>5 A I don't believe the offer would have been</p> <p>6 rescinded if she confirmed that she could comply with</p> <p>7 the standards of conduct.</p> <p>8 Q Ms. Miolla, I'd like to show you what</p> <p>9 will be marked Plaintiff's Exhibit 13.</p> <p>10 MR. WOLNOWSKI: Let's go off the record</p> <p>11 for a moment.</p> <p>12 (Discussion held off the record)</p> <p>13 Q Ms. Miolla, I'd like to show you what</p> <p>14 will be marked Plaintiff's Exhibit 13. It's a</p> <p>15 document bearing Bates-stamped Number WV 65 as a</p> <p>16 document which was exchanged during the discovery</p> <p>17 phase of litigation.</p> <p>18 (WHEREUPON, the above-referred-to</p> <p>19 document, Bates-stamped WV-000065, was marked</p> <p>20 as Plaintiff's Exhibit 13, for identification,</p> <p>21 as of this date.)</p> <p>22 Q Please review this document and let me</p> <p>23 know once you've completed doing so.</p> <p>24 A (Perusing a document)</p> <p>25 I've reviewed the document.</p>

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<p style="text-align: right;">Page 110</p> <p>1 C. Miolla</p> <p>2 MR. WOLNOWSKI: I would just like to mark</p> <p>3 for the record that I am continuing with the</p> <p>4 numbering of the deposition exhibits from</p> <p>5 where I left off with the previous deposition</p> <p>6 of Ms. Freiberg for the sake of clarity.</p> <p>7 Q Ms. Miolla, do you recognize this</p> <p>8 document?</p> <p>9 A Yes.</p> <p>10 Q Have you ever seen it before?</p> <p>11 A Not as a document.</p> <p>12 Q Can you please tell me what this document</p> <p>13 shows?</p> <p>14 A It shows the steps that have happened</p> <p>15 within the applicant tracking system.</p> <p>16 Q Near the top of this document, it reads,</p> <p>17 "History of Events and Comments"; do you see that?</p> <p>18 A Yes.</p> <p>19 Q These fields seem to be in ascending</p> <p>20 order from a number 13 entry which was made on</p> <p>21 November 25th, 2020 to the number 1 entry which was</p> <p>22 made on January 8th, 2021; would you agree?</p> <p>23 A Yes.</p> <p>24 Q Can you please explain to me what this</p> <p>25 is?</p>	<p style="text-align: right;">Page 111</p> <p>1 C. Miolla</p> <p>2 A I think any time anything would -- any</p> <p>3 step happens with a candidate in the system, the</p> <p>4 system automatically records it as a line item.</p> <p>5 Q Now, Ms. Miolla, from your</p> <p>6 recollection -- question withdrawn.</p> <p>7 Ms. Miolla, it appears as though you</p> <p>8 created practically all of these fields; is that</p> <p>9 correct?</p> <p>10 A They're created automatically. So</p> <p>11 because I was assigned to this requisition, it has my</p> <p>12 name by all of them.</p> <p>13 Q Is there any fields, from your</p> <p>14 recollection, or any actions which are missing as</p> <p>15 they relate to Aubry McMahon?</p> <p>16 A I don't think so.</p> <p>17 Q Ms. Miolla, I'd like to focus on</p> <p>18 numbers 2 and 1, with the question as to number 2</p> <p>19 first.</p> <p>20 Do you see field number 2? It appears</p> <p>21 about a quarter of the way down.</p> <p>22 A Yes.</p> <p>23 Q It reads, "Profile moved from</p> <p>24 background-reference check to offer extended."</p> <p>25 Do you see that?</p>
<p style="text-align: right;">Page 112</p> <p>1 C. Miolla</p> <p>2 A Yes.</p> <p>3 Q And states that the creator was Catherine</p> <p>4 Miolla; do you see that?</p> <p>5 A Yes.</p> <p>6 Q Did you input that field, or was it</p> <p>7 created in a different way?</p> <p>8 A It's created automatically when I move</p> <p>9 her profile to a certain step.</p> <p>10 Q Based upon your review of this document,</p> <p>11 is it correct to conclude that an offer of employment</p> <p>12 was definitively made to Aubry McMahon on</p> <p>13 January 4th, 2021?</p> <p>14 A I believe so.</p> <p>15 Q And now turning to number 1, which is</p> <p>16 right above number 2, it reads, "Profile moved from</p> <p>17 offer extended to archive, do not consider."</p> <p>18 Do you see that?</p> <p>19 A Yes.</p> <p>20 Q Did you input that field on January 8th,</p> <p>21 2021, or was it created in a different way?</p> <p>22 A It's created automatically when I -- when</p> <p>23 a candidate's moved to a certain phase.</p> <p>24 Q Based on your review of this document, is</p> <p>25 it correct to conclude that the offer of employment</p>	<p style="text-align: right;">Page 113</p> <p>1 C. Miolla</p> <p>2 made to Aubry McMahon was definitively rescinded on</p> <p>3 January 8th, 2021?</p> <p>4 A Yes, I believe so.</p> <p>5 MR. WOLNOWSKI: Okay. Let's take a</p> <p>6 ten-minute break and then return around --</p> <p>7 we'll let's call it an eight -- we're off the</p> <p>8 record, Teri.</p> <p>9 (Discussion held off the record)</p> <p>10 (WHEREUPON, a brief recess was taken,</p> <p>11 after which the following transpired:)</p> <p>12 (Time noted: 4:07 p.m.)</p> <p>13 CONTINUED EXAMINATION BY MR. WOLNOWSKI:</p> <p>14 Q Ms. Miolla, I'd like to show you what has</p> <p>15 been marked as Plaintiff's Exhibit Number 1. I can</p> <p>16 represent it's a document which bears Bate-stamped</p> <p>17 Numbers WV 48 through 50. It is a document which has</p> <p>18 been exchanged during the discovery phase of</p> <p>19 litigation in this case.</p> <p>20 If you could, please review it and let me</p> <p>21 know once you've concluded reviewing it.</p> <p>22 A (Perusing a document)</p> <p>23 I'm finished reviewing.</p> <p>24 Q Ms. Miolla, do you recognize this</p> <p>25 document?</p>

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<p style="text-align: right;">Page 114</p> <p>1 C. Miolla</p> <p>2 A Yes.</p> <p>3 Q Can you tell me what it is?</p> <p>4 A It's a job posting for the donor/customer</p> <p>5 service representative trainee position.</p> <p>6 Q To your knowledge, was this the</p> <p>7 particular job for which Aubry McMahon had applied</p> <p>8 with World Vision?</p> <p>9 A I believe so, yes.</p> <p>10 Q How familiar are -- are you with the</p> <p>11 responsibilities and requirements of an individual in</p> <p>12 the position of customer service representative with</p> <p>13 World Vision as it existed in January of 2021?</p> <p>14 A I have never personally done the job, but</p> <p>15 at that time, I had been recruiting for it for a bit</p> <p>16 of time, so I'd say somewhat familiar.</p> <p>17 Q Okay. I'd like to direct your attention</p> <p>18 to Section 1 -- excuse me, I'd like to direct your</p> <p>19 attention to the section which states, "The Job." It</p> <p>20 appears there are two Section 1s, but in any case --</p> <p>21 and it lists a number of things which appear to be</p> <p>22 job requirements; do you see that?</p> <p>23 A Yes.</p> <p>24 Q If you could, how would you describe</p> <p>25 numbers 1 through 13; are they obligatory, are they</p>	<p style="text-align: right;">Page 115</p> <p>1 C. Miolla</p> <p>2 advisory, something else?</p> <p>3 MR. WARD: I'll object as to form.</p> <p>4 But you may answer.</p> <p>5 A I think those are examples of the common</p> <p>6 tasks that someone in this role could expect to be</p> <p>7 doing.</p> <p>8 Q Are all of them obligatory; as in other</p> <p>9 words, are they all things that a person in this role</p> <p>10 would be required to do?</p> <p>11 A Yes, I believe so.</p> <p>12 Q I'd like to direct your attention to</p> <p>13 number 1. It appears at the top of page 49.</p> <p>14 The second sentence states, "Attend and</p> <p>15 participate in a leadership of devotions, weekly</p> <p>16 chapel services, regular prayer."</p> <p>17 Do you see that?</p> <p>18 A Yes.</p> <p>19 Q To your knowledge, does that require</p> <p>20 customer service representatives to lead prayer?</p> <p>21 A Yes, I believe so.</p> <p>22 Q And was there any training incorporated</p> <p>23 with -- with customer service representatives leading</p> <p>24 prayer?</p> <p>25 A I'm not sure.</p>
<p style="text-align: right;">Page 116</p> <p>1 C. Miolla</p> <p>2 Q And with respect to leading prayer, to</p> <p>3 whom would they be leading prayer for?</p> <p>4 A I believe in this role, they could be</p> <p>5 leading prayer with their coworkers or -- and/or the</p> <p>6 donors that they're talking to.</p> <p>7 Q And if you can, please explain to me the</p> <p>8 requirements for leading prayer; was it during</p> <p>9 meetings, during phone calls, and under what</p> <p>10 circumstances were they required to lead prayer?</p> <p>11 A I don't know the specifics, but I think</p> <p>12 in this role they could be leading prayers during the</p> <p>13 activities mentioned in number 1, like devotions with</p> <p>14 the team or phone calls with their donors, as</p> <p>15 mentioned in number 11.</p> <p>16 Q Okay. Was it required that customer</p> <p>17 service representatives lead prayer with either</p> <p>18 donors or fellow employees?</p> <p>19 A I'm not sure.</p> <p>20 Q Was it something that was just suggested,</p> <p>21 rather than an actual requirement of the job?</p> <p>22 A I believe that they -- the -- for this</p> <p>23 role, they were -- are regular parts of the job that</p> <p>24 would be required.</p> <p>25 Q Like what?</p>	<p style="text-align: right;">Page 117</p> <p>1 C. Miolla</p> <p>2 A What do you mean?</p> <p>3 Q Well, you said that there are regular</p> <p>4 parts of the job that would require one to lead</p> <p>5 prayer.</p> <p>6 I said, like what?</p> <p>7 A Oh, like the previous activities I have</p> <p>8 mentioned, like the team devotions and the phone</p> <p>9 calls with donors.</p> <p>10 Q Was it on every phone call that a</p> <p>11 customer service representative was required to lead</p> <p>12 prayer with donors?</p> <p>13 A I don't think it's necessarily every</p> <p>14 phone call.</p> <p>15 Q Well, how frequently then was it</p> <p>16 required?</p> <p>17 A I'm not sure.</p> <p>18 Q Well, was it required one out of every</p> <p>19 five phone calls?</p> <p>20 A I'm not sure.</p> <p>21 Q And which prayers were donors required --</p> <p>22 excuse me, which prayers were customer service</p> <p>23 representative required to utilized?</p> <p>24 MR. WARD: I'm going to object as to</p> <p>25 form.</p>



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<p style="text-align: right;">Page 118</p> <p>1 C. Miolla</p> <p>2 A What do you mean by "which prayers were</p> <p>3 they required to utilize"?</p> <p>4 Q Would you agree there's different prayers</p> <p>5 in the Christian faith; correct?</p> <p>6 A I suppose so, yes.</p> <p>7 Q Okay. Which of those prayers were</p> <p>8 required of use -- of use by customer service</p> <p>9 representatives, if any?</p> <p>10 MR. WARD: I'm going to object as to</p> <p>11 form.</p> <p>12 A I'm not sure of anything specific</p> <p>13 required other than that they -- the agents would</p> <p>14 often ask donors if they had prayer requests and then</p> <p>15 pray with them.</p> <p>16 Q Okay. So if I'm understanding this, it</p> <p>17 was required that if a donor asks to pray, that the</p> <p>18 customer service representative was obliged to do so;</p> <p>19 is that accurate?</p> <p>20 A I think it would be -- if the donor asked</p> <p>21 for prayer, I think it would at least be strongly</p> <p>22 encouraged the agent pray with them.</p> <p>23 Q But it isn't required; correct?</p> <p>24 A I -- I'm -- that's outside of my</p> <p>25 knowledge.</p>	<p style="text-align: right;">Page 119</p> <p>1 C. Miolla</p> <p>2 Q Was it required that customer service</p> <p>3 representatives initiate prayer with the donors</p> <p>4 without being asked by the donors?</p> <p>5 MR. WARD: Objection as to form.</p> <p>6 You may answer.</p> <p>7 A I'm not sure if it's required or not. I</p> <p>8 think it's a big part of the role.</p> <p>9 Q Is it a big part of the role because it's</p> <p>10 encouraged or because it's mandatory?</p> <p>11 MR. WARD: Objection as to form.</p> <p>12 You may answer.</p> <p>13 A To the best of my knowledge, I would say</p> <p>14 that it's required, and therefore, that's why it's</p> <p>15 explicitly stated on this list.</p> <p>16 Q And if you could point out to me where it</p> <p>17 states that it's required to lead prayer. If you</p> <p>18 could tell me the page number and -- and kind of</p> <p>19 explain to me where on that page it states that it's</p> <p>20 required that a customer service representative lead</p> <p>21 prayers.</p> <p>22 MR. WARD: Objection as to form.</p> <p>23 You may answer.</p> <p>24 A Well, I shared earlier that I feel like</p> <p>25 all of these numbers are requirements of the role,</p>
<p style="text-align: right;">Page 120</p> <p>1 C. Miolla</p> <p>2 and the requirements listed that speak to prayer are</p> <p>3 number 1 and number 11.</p> <p>4 Q So is your testimony that number 1 states</p> <p>5 that there's a requirement that a customer service</p> <p>6 representative lead prayer?</p> <p>7 A Well, the word "required" isn't listed in</p> <p>8 the statement, but I believe that all of these are</p> <p>9 things that are required in the role.</p> <p>10 Q All right. But I'm specifically talking</p> <p>11 about prayer.</p> <p>12 So is it your testimony here today that</p> <p>13 so much of Section 1, which states, "Attend and</p> <p>14 participate in the leadership of devotions, weekly</p> <p>15 chapel services, and regular prayer," that the word</p> <p>16 "participant" is understood, at least insofar as your</p> <p>17 understanding of the job description, to mean that a</p> <p>18 customer service representative leads prayer?</p> <p>19 MR. WARD: I'm going to object as to</p> <p>20 form; mischaracterizing prior testimony.</p> <p>21 You may answer.</p> <p>22 A I think number 1 is stating that they</p> <p>23 would be included in leadership of devotion and</p> <p>24 regular prayer. And oftentimes, in leadership of our</p> <p>25 devotionals together, that includes leading prayer.</p>	<p style="text-align: right;">Page 121</p> <p>1 C. Miolla</p> <p>2 Q And how frequently, when you say</p> <p>3 "oftentimes," is --</p> <p>4 A I'm not sure --</p> <p>5 Q -- it a requirement, that is?</p> <p>6 A I'm not sure exactly how often for this</p> <p>7 particular role.</p> <p>8 Q Is there any kind of training when it</p> <p>9 comes to leading prayer as it relates --</p> <p>10 A I don't know.</p> <p>11 Q -- to the customer service</p> <p>12 representative?</p> <p>13 A I'm not sure.</p> <p>14 Q It states in Section 11, "Be sensitive to</p> <p>15 donor's needs and pray with them when appropriate."</p> <p>16 Do you see that?</p> <p>17 A Yes.</p> <p>18 Q Can you explain to me what it means when</p> <p>19 it says "when appropriate"?</p> <p>20 A I think that could be a variety of</p> <p>21 things; if the donor asks for prayer, if you're</p> <p>22 having a conversation and you ask the donor if they</p> <p>23 want prayer.</p> <p>24 Q Is this just your opinion or is this the</p> <p>25 required duties and responsibilities of World Vision,</p>



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<p style="text-align: right;">Page 122</p> <p>1 C. Miolla</p> <p>2 to your knowledge?</p> <p>3 MR. WARD: I'm going to object as to</p> <p>4 form.</p> <p>5 A This list is the requirements. What I</p> <p>6 just --</p> <p>7 Q Right.</p> <p>8 A -- tried to explain is my opinion of how</p> <p>9 to explain it.</p> <p>10 Q So what is World Vision's position,</p> <p>11 insofar as you know, as what is an appropriate time</p> <p>12 and not an appropriate time to pray with donors?</p> <p>13 MR. WARD: Objection as to form.</p> <p>14 A I don't think I have any additional</p> <p>15 knowledge in -- other than what I already shared</p> <p>16 about when would be an appropriate or non-appropriate</p> <p>17 time.</p> <p>18 Q Well, I'm not asking about your opinion.</p> <p>19 I'm asking if you know what World Vision's official</p> <p>20 policy is insofar as how it relates to the mandatory</p> <p>21 job responsibilities and requirements of somebody in</p> <p>22 the position of customer service representative.</p> <p>23 MR. WARD: Objection as to form.</p> <p>24 A I don't know the initial policy related</p> <p>25 to this.</p>	<p style="text-align: right;">Page 123</p> <p>1 C. Miolla</p> <p>2 Q Is somebody in the position of customer</p> <p>3 service representative, insofar as the job existed in</p> <p>4 January of 2021, required to teach the religion to</p> <p>5 anybody; whether it be donors, fellow employees, or</p> <p>6 anybody else?</p> <p>7 MR. WARD: Objection as to form.</p> <p>8 A I don't believe they are required to</p> <p>9 teach religion in this role.</p> <p>10 Q With respect to attending weekly chapel</p> <p>11 services, did you attend weekly chapel services in</p> <p>12 January of 2021?</p> <p>13 A Did I personally?</p> <p>14 Q Yes.</p> <p>15 A Yes.</p> <p>16 Q Can you explain to me what that entailed?</p> <p>17 I understand that January of 2021 was still in many</p> <p>18 ways, you know, during COVID, so if you could, please</p> <p>19 explain to me what that entailed for you.</p> <p>20 A Well, it would vary week to week, but</p> <p>21 since COVID, we would join chapel virtually and</p> <p>22 listen and sometimes interact via the chat to the</p> <p>23 worship or the -- and/or the speaker that was at that</p> <p>24 chapel.</p> <p>25 Q Were customer service representatives,</p>
<p style="text-align: right;">Page 124</p> <p>1 C. Miolla</p> <p>2 people employed in that position, attendees at these</p> <p>3 weekly chapel services that you attended?</p> <p>4 A I believe so.</p> <p>5 Q Were there different weekly chapel</p> <p>6 services that were -- were attended by other people,</p> <p>7 or was it just one weekly chapel service that anybody</p> <p>8 who worked for World Vision could attend?</p> <p>9 A Just one chapel service for all of World</p> <p>10 Vision U.S.</p> <p>11 Q Did you ever lead prayer during those</p> <p>12 weekly chapel services?</p> <p>13 A Did I personally?</p> <p>14 Q Yes.</p> <p>15 A No, I don't believe so.</p> <p>16 Q Was that, to your knowledge, a</p> <p>17 requirement of your job with World Vision, was to</p> <p>18 lead daily chapel services?</p> <p>19 A Not chapel --</p> <p>20 MR. WARD: Objection as to form.</p> <p>21 You may answer.</p> <p>22 A Not -- I wasn't required to lead within</p> <p>23 chapel.</p> <p>24 Q Were you required to lead prayer not</p> <p>25 within chapel?</p>	<p style="text-align: right;">Page 125</p> <p>1 C. Miolla</p> <p>2 A I've been required to lead devotions on</p> <p>3 my team.</p> <p>4 Q And who's directed you to do that?</p> <p>5 A I don't remember being specifically told</p> <p>6 by one person, but that's kind of the understanding</p> <p>7 from leadership.</p> <p>8 Q In January of 2021, who was in charge --</p> <p>9 excuse me, who was the supervisor or boss for the</p> <p>10 customer service representatives employed by World</p> <p>11 Vision?</p> <p>12 A I don't remember.</p> <p>13 Q Do you remember if he or she required</p> <p>14 customer service representatives to lead prayer</p> <p>15 amongst employees?</p> <p>16 A I believe they would have.</p> <p>17 (Continued on page 126 so that the</p> <p>18 conclusion of the testimony may be accompanied</p> <p>19 by the jurat.)</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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